

# Chapter 4: Intervention

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Once a jurisdiction completes its initial assessment activities and conducts readiness events to prepare local stakeholders, it can select and implement intervention strategies to reduce DMC. A jurisdiction initiates this intervention phase by developing an intervention plan that serves as a road map for how the jurisdiction will proceed to reduce minority overrepresentation in its juvenile justice system. Although the state and/or OJJDP often support this phase through financial and technical assistance, the jurisdiction carries out the majority of the activities in targeted local communities because the factors or combinations of factors that emerge as important are most likely to be jurisdiction specific or community specific.

This chapter will guide jurisdictions in the development of initiatives to reduce DMC. It first establishes guidelines for choosing strategies and developing an intervention plan. Secondly, it presents a conceptual framework, similar to the risk and protective factor framework used in prevention science, for use in plotting a course through the mixture of programs, services, and activities to determine the most appropriate strategy for targeting the specific DMC contributing factor(s) identified. The chapter organizes the universe of DMC strategies into three categories corresponding to the different audiences for which they are designed: (1) direct services, which target at-risk or system-involved youth, their families, and communities; (2) training and technical assistance, primarily for juvenile justice personnel; and (3) system change, which strives to modify aspects of the juvenile justice system that may contribute to DMC. For each category, the authors identify the applicable DMC factors, discuss strategies (i.e., programs, services, and/or activities) for addressing DMC, and highlight characteristics, principles, and procedures associated with successful programs. The chapter also includes case studies of seven jurisdictional DMC initiatives that have demonstrated a basic level of effectiveness. Each case study summarizes information about the jurisdiction's DMC problem, the strategies it used to address the problem, and evidence regarding the strategies' effects on DMC trends.

## Overview of the Intervention Phase

The goals of the assessment phase were to determine whether DMC exists in the juvenile justice system—and at what decision points—and to identify the factors that contribute to DMC at those decision points. This process requires the jurisdiction to investigate each decision point and determine whether DMC is an issue at that point. If DMC exists, the jurisdiction must find the cause(s). Current research provides seven explanations as to why DMC may occur: (1) differential offending; (2) differential opportunities for

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prevention and intervention; (3) differential handling; (4) legislative, policy, and legal factors; (5) justice by geography; (6) indirect effects; and (7) accumulated disadvantage. Chapter 2 discusses these seven factors and an additional factor (mobility effects) in detail.

A jurisdiction's goal at the intervention phase is to address the DMC factors that it identified during the assessment phase by developing a comprehensive set of interrelated intervention strategies to reduce minority overrepresentation in its juvenile justice system. With this goal in mind, the next section offers general guidelines that jurisdictions should consider before selecting the specific strategy they will implement.

## **Intervention Guidelines**

Jurisdictions should consider five guidelines when developing an intervention plan: (1) design a comprehensive, multimodal approach, when feasible; (2) prioritize strategies to focus on critical decision points; (3) choose interventions that the community is ready to implement; (4) use evidence-based strategies and draw on the successful experiences of current DMC initiatives, as applicable; (5) evaluate the effectiveness of the strategy.

### **Designing a Comprehensive, Multimodal Approach**

Most often, DMC results from many factors and is present at more than one decision point. For this reason, jurisdictions typically must develop multiple strategies to address DMC and deploy them concurrently at several decision points. This comprehensive, multimodal approach is known as a jurisdictional DMC initiative. In a best-case scenario, a jurisdictional initiative involves the simultaneous implementation of multiple strategies targeting all critical decision points where DMC exists, and is directed at all identified DMC factors. According to Hsia, Bridges, and McHale (2004), the majority of jurisdictions recognize that multiple factors at different decision points contribute to DMC, but they invest primarily in direct services strategies (i.e., delinquency prevention and early intervention programs for minority youth, their families, and communities). Attempts to reduce crime and delinquency among minority youth will lead a jurisdiction to address the demand side of DMC and pay comparatively little attention to implementing systems change that would address the supply side of DMC. This finding is particularly troubling because, as previously stated, multiple factors generally contribute to minority overrepresentation in juvenile justice systems, and, therefore, the solution to the problem requires multiple strategies (Devine, Coolbaugh, and Jenkins, 1998).

Nevertheless, whenever indicated (and feasible), OJJDP encourages jurisdictions to choose a variety of strategies drawn from the entire spectrum of options rather than focus on just one segment of the spectrum (e.g., direct services prevention and intervention programs). States and jurisdictions would do well to emulate Washington State's example of implementing a comprehensive, research-based approach to DMC that incorporates cultural competency training and systems change as well as programmatic interventions.

## **Prioritizing Strategies To Focus on Critical Decision Points**

Some jurisdictions may be unable to carry out a comprehensive DMC initiative because of limited resources, time, and/or data. In such cases, they should strongly consider those strategies that will reduce DMC the most and focus on the decision points where DMC is most pronounced or where the most minority youth are affected. For instance, strategies that reduce commitments of minority youth to state juvenile corrections may decrease the number of such youth in confinement. However, strategies designed to reduce overrepresentation at arrest may have a much more lasting and extensive impact on DMC because arrest is highly correlated with accumulated disadvantage for minority youth.

## **Choosing Interventions That the Community Is Ready To Implement**

Researchers and practitioners alike have found that jurisdictions vary greatly in their interest in, and ability and willingness to try, intervention strategies and thus are at different stages of readiness (Weisheit, 1984; Aniskiewicz and Wysong, 1990; Bukaski and Amsel, 1994). Related factors that may hinder community readiness include a lack of consensus within the jurisdiction concerning the nature of the problem or solution, a dearth of resources, a lack of knowledge about the problem, and an unstable political climate. A community's level of readiness to implement a particular strategy often plays a major role in determining whether the strategy will be successful.

Therefore, OJJDP encourages jurisdictions to assess community readiness and select strategies with the greatest likelihood of successful implementation. For instance, although two jurisdictions may identify arrest as the decision point contributing most to overrepresentation of minority youth, each jurisdiction may address DMC differently, depending on community readiness. One jurisdiction may direct DMC activities at law enforcement, whereas another may address the same decision point through prevention programming that targets youth. The success or failure of either strategy is strongly influenced by the community's readiness to accept it.

## **Using Evidence-Based Strategies and Drawing on the Successful Experiences of Current DMC Initiatives**

Evidence-based programs and best practices are programs or sets of differentiated program elements that have been well researched and are associated with positive outcomes (Lipsey, 1995). Unfortunately, the literature on what works to reduce DMC is not as extensive as the literature on what works in delinquency prevention and other areas of juvenile justice.

Moreover, jurisdictional DMC initiatives generally consist of many diverse strategies because, as previously mentioned, many factors typically contribute to DMC. On the one hand, jurisdictions are encouraged to design a comprehensive initiative consisting of multiple strategies whenever indicated and feasible. On the other hand, aggregating these strategies into a single initiative makes disentangling the effects of one strategy from

another extremely arduous and virtually prohibitive, given the current state of the science in DMC research.

Thus, while there are no “blueprints”<sup>1</sup> for reducing DMC, a number of jurisdictional initiatives composed of diverse strategies that have demonstrated encouraging results in reducing minority overrepresentation at various decision points do exist. Because the research base for these initiatives is not sufficiently rigorous, they cannot be ranked using the same rating system applied to programs in OJJDP’s *Model Programs Guide and Database*.<sup>2</sup> Instead, they are best described as developing or encouraging initiatives that have a strong theoretical base and for which some empirical and anecdotal evidence of effectiveness exists. It is important to note, however, the evidence is not sufficient to establish a reasonable causal inference between the intervention strategy and the outcomes. These initiatives are, nevertheless, excellent foundations from which other jurisdictions can learn.

## **Planning To Evaluate Effectiveness**

Regardless of the strategies a jurisdiction chooses, the ultimate goal of all interventions is to decrease the overrepresentation of minority youth. It is imperative that a jurisdiction design any DMC initiative to *prove* that it reduced DMC (i.e., caused a decrease in the RRI for minority youth at the juvenile justice decision points targeted by the strategy). Therefore, the jurisdiction should develop its intervention plan in tandem with a plan to evaluate the initiative’s effectiveness (see chapter 5 for guidelines on evaluating DMC strategies).

## **Conceptual Framework for Selecting DMC Strategies**

Appropriate strategies for reducing DMC are those that address the specific factors contributing to DMC and target the juvenile justice decision points where the DMC problem exists. For example, if the DMC assessment shows that differential offending is the single most important factor contributing to overrepresentation of minority youth at the arrest decision point, strategies should address the disproportionate involvement of minority youth in crime. It would make little sense to implement a strategy to reduce differential handling of youth in detention, where DMC may not exist.

Identifying high-quality programs that can address specific DMC factors in a given community has been one of the most difficult obstacles to developing effective DMC initiatives. The DMC-factor-based conceptual framework presented in this chapter links particular DMC contributing factors to particular strategies for reducing DMC. Researchers adapted the risk and protective factor conceptual model used in prevention research to create the framework. The adaptation appears to be a natural extension of the risk and protective factor model because certain factors can increase or decrease the overrepresentation of minority youth in the juvenile justice system, just as risk and protective factors increase or decrease the likelihood of problem behavior.<sup>3</sup>

According to the risk and protective factor model, a mix of risk and protective factors that influence a youth over the course of adolescent development in either positive or negative ways determines the youth’s potential to engage in problem behaviors such as delinquency, substance abuse, dropping out of school, and HIV/AIDS risk behaviors (Hawkins, Catalano, and Miller, 1992). Risk factors increase, and protective factors decrease, the likelihood of problem behaviors. While no single risk factor is more potent than any other, in general the more risk factors and the fewer protective factors present in life, the greater the probability of problem behaviors (Bry, McKeon, and Pandina, 1982; Newcomb, 1995).

Although there are no corresponding protective factors in DMC research as yet, certain factors in the community resemble the risk factors in prevention research in a number of ways. Like risk factors, the presence of these contributing factors—alone or in combination—increases the likelihood of negative effects (i.e., minority overrepresentation in the juvenile justice system). As is true for risk factors, no single DMC factor is more potent than any other; however, the greater the number of DMC factors, the greater the probability of minority overrepresentation. Like risk factors, DMC factors can have a cumulative effect on a youth’s life course that leads to increased involvement with the juvenile justice system. For instance, juvenile justice decisionmakers tend to use prior record and seriousness of offense as the basis for making any determination (e.g., diversion, detention, formal sanctioning). Therefore, any DMC factor that artificially inflates a young offender’s delinquent history will have profound consequences later in life.

This DMC-factor-based conceptual framework can help communities identify specific strategies for the DMC factors they identified during the assessment phase. Once a jurisdiction has diagnosed the factors contributing to DMC at particular decision points, it can refer to table 1 to find the most appropriate strategies for addressing those factors.

**Table 1. DMC Initiatives Categorized by DMC Contributing Factors**

DMC Contributing Factors							
County DMC Initiatives	Differential Offending	Differential Opportunities	Differential Handling	Legislative, Policy, and Legal Factors	Justice by Geography	Indirect Effects	Accumulated Disadvantage
Bernalillo County			√	√			
Cook County			√	√			
Hillsborough County		√	√				
King County	√	√	√				
Mesa County		√	√	√			√
Multnomah County			√				
Santa Cruz County		√	√				

Suppose, for example, that a universe of 50 strategies is available to deal with DMC issues. Suppose that a jurisdiction has limited resources and, therefore, can address only one DMC factor. The jurisdiction's assessment identifies differential offending as the single most important factor contributing to DMC. Which of the 50 strategies should the jurisdiction choose? A DMC-factor-based conceptual framework, as illustrated in table 1, enables the jurisdiction to narrow the search to strategies that address differential offending. Instead of considering all 50 strategies, the jurisdiction can choose from the much smaller number of strategies appropriate for a specific DMC factor—in this case, differential offending. Aided by the DMC-factor-based conceptual framework, jurisdictions can move quickly from the assessment phase directly to the intervention phase, without needing to conceptualize an original method for selecting strategies or investigate the entire universe of possible strategies.<sup>4</sup>

## Types of Strategies for Reducing DMC

As previously noted, a DMC initiative may include a number of different programs, services, or activities directed at several juvenile justice decision points and DMC factors. The large and varied universe of possible DMC strategies can be organized into three categories based on the target audience: (1) direct services, which address the requirements of *youth*; (2) training and technical assistance, which focus primarily on the needs of *law enforcement* and *juvenile justice personnel*; and (3) system change, which involves altering aspects of the *juvenile justice system* that may contribute to DMC. Direct services decrease overall crime and delinquency, particularly among minority youth, to reduce the potential for DMC and are sometimes thought of as demand-side strategies. Training and technical assistance strive to equip juvenile justice service providers with the necessary skills and resources to reduce DMC. System change strategies create wide-ranging and long-lasting modifications in policies, procedures, and/or laws that will decrease and prevent DMC. Training and technical assistance and system change are viewed as supply-side responses to DMC. The following sections describe these three types of strategies in detail and give examples of programs and services in each category.

### Direct Services

*(DMC factors: differential offending, differential opportunities for prevention and intervention, indirect effects, and accumulated disadvantage)*

When used as a DMC strategy, direct services focus on giving at-risk and delinquent minority youth greater access to appropriate prevention and early intervention programs so that they receive services needed to build skills, improve social functioning, and form healthy relationships with family members, other adults, and peers (OJJDP, 2001:35). Other types of direct services include diversion programs, alternatives to secure confinement, and advocacy. The majority of states recognize the need for diverse strategies to address the factors at different decision points that typically contribute to DMC; however, most states and communities have invested primarily in direct services strategies consisting of delinquency prevention and early intervention programs that

target minority youth, their families, and communities (Hsia, Bridges, and McHale, 2004:17).

### **Prevention and Early Intervention**

Prevention programs generally are proactive and are aimed at youth who exhibit risk factors for delinquency but have not been adjudicated delinquent. They address the recognized factors that can lead to or serve as a catalyst for delinquency or other problem behaviors in minority youth (e.g., lack of education or employment opportunities, attitudes in the community or family that condone criminal activity, lack of parental supervision). Types of prevention programs include family therapy, parent training, cognitive behavioral treatment, mentoring, academic skills enhancement, afterschool recreation, vocational/job training, and wraparound services.<sup>5</sup>

In jurisdictions where the identified causes of overrepresentation can best be addressed with a programmatic response, it may be necessary to develop new programs and services for minority youth. However, it also may be feasible to modify, enhance, or expand current initiatives. Building on existing resources can be beneficial. For example, youth-serving programs already in place may have a foundation in terms of funding, commitment from key stakeholders (e.g., elected officials, chamber of commerce representatives, neighborhood advisory council members, and religious leaders), and evidence of effectiveness that may improve with appropriate modifications and additional support.

Although theoretically similar to prevention strategies in that they generally attempt to impede a youth's trajectory toward delinquent and problem behaviors, intervention programs are operationally different in that they are reactive and assume that youth have been arrested for a delinquent act and either diverted from the juvenile court or adjudicated guilty. Moreover, interventions typically are graduated to reflect that the penalties for delinquent activity should move from limited interventions to more restrictive measures according to the severity and nature of the crime. In other words, youth who commit serious and violent offenses should receive more severe sentences than youth who commit less serious offenses.

On the following pages, exhibit 1 summarizes research findings on characteristics of successful prevention and intervention programs, and exhibit 2 identifies four principles shared by programs that have been effective in reducing recidivism.

## Exhibit 1: Characteristics of Successful Programs

Communities should select programs that are evidence based. They should base their selection of program models on what is known about effective programs. As discussed in Krisberg et al. (1995), the National Council on Crime and Delinquency (NCCD) collected and analyzed information on 209 prevention and intervention programs and identified eight characteristics of effective programs. NCCD found that these eight elements contribute to success in improving outcomes for youth regardless of program type (e.g., prevention, diversion or residential treatment, aftercare) or youth population served.

According to this research, successful programs:

- Are *holistic*, simultaneously addressing many aspects of a youth's life.
- Develop *individualized treatment plans* for youth, providing the services, level of support, and degree of supervision that each juvenile's needs, skills, and circumstances dictate.
- Are *intensive*, often involving multiple contacts weekly or even daily with at-risk youth, and continue over a relatively long period of time.
- Give youth *frequent positive and negative feedback* (as appropriate) regarding their progress.
- Typically operate *outside the formal juvenile justice system*.
- *Build on a youth's strengths* rather than focusing on deficiencies.
- Use a socially grounded framework for understanding and dealing with a youth's situation, rather than relying mainly on individual or medical-therapeutic approaches.
- Offer services provided by energetic and committed staff.

## Exhibit 2: Principles for Reducing Recidivism

Researchers have scientifically demonstrated a variety of theoretically sound and well-designed intervention strategies that are effective for juvenile offenders (see OJJDP's *Model Programs Guide*). Latessa, among others, has identified four principles that effective programs share to appreciably reduce recidivism and that should guide program development and implementation (Latessa, 2004). These principles are:

**Risk** (*Who requires the most intensive programs?*). Programs should reserve the most intensive correctional treatment and interventions for higher risk offenders (i.e., those who are more likely to recidivate) and should not waste money on services for offenders who do not need them. More importantly, research has clearly demonstrated that when lower risk offenders are placed in more structured programs, their failure rates often increase, which reduces the program's overall effectiveness.

**Need** (*What factors should programs target?*). Programs should target risk/need factors that are both dynamic (i.e., amenable to change) and criminogenic (i.e., associated with criminal conduct). Although many risk factors are criminogenic, some, such as age, gender, and early criminal behavior, are static—that is, they cannot be changed in treatment. To be effective, rehabilitation services must focus on both dynamic and criminogenic factors, such as the following: antisocial attitudes, values, and beliefs; antisocial peer associations; substance abuse; lack of problem-solving and self-control skills; and other factors highly correlated with criminal conduct.

(continued)

## Exhibit 2: Principles for Reducing Recidivism (continued)

Programs that target noncriminogenic factors (e.g., self-esteem, physical conditioning, creative abilities, understanding one's culture or history) will have little effect on recidivism rates. Military-style boot camps for offenders are one example of programs that target noncriminogenic factors. Most studies show that boot camps have little impact on future criminal behavior because they tend to focus on factors that are not crime producing, such as drill and ceremony, physical conditioning, discipline, self-esteem, and bonding together offenders.

**Treatment** (*How should programs target risk/need factors?*). The most effective programs and approaches are behavioral in nature. Behavioral programs have several attributes. First, they focus on the present circumstances and risks that are responsible for the offender's behavior. Second, they are action oriented rather than talk oriented. (Offenders do something about their difficulties rather than just talk about them.) Third, they teach offenders new, prosocial skills through modeling, practice, and reinforcement to replace antisocial ones such as stealing, cheating, and lying. Examples of behavioral programs include structured social learning programs where new skills are taught and positive behaviors and attitudes are consistently reinforced; cognitive behavioral programs that target attitudes, values, peers, substance abuse, anger, etc.; and family-based interventions that train families in appropriate behaviors.

**Fidelity** (*How well does the implemented program reflect the program design?*). Fidelity is the degree of fit between the components defined in the program design and the components the community actually implements. Fidelity is essential to determine whether a program caused the measured outcome effects. Concern over fidelity sprang from attempts to explain why so many evaluations of previously validated programs yielded null or inconsistent results (Mayor and Davidson, 2000). Many high-quality programs fail to take adequate steps to monitor and verify program fidelity (CSAP, 2002). A program lacks fidelity when it is implemented inconsistently (e.g., when practitioners differ in the number of sessions they deliver, the length of time they provide for each session, or the number of objectives they address). Research shows that program participants benefit more when there is a high degree of fidelity (i.e., when practitioners are faithful to the details of the program design) (CSAP, 2002).

### Diversion

Diversion programs are a specialized subset of interventions that typically serve youth who are at-risk and/or have been arrested or referred to the juvenile court for status offenses or nonserious delinquent offenses. In the latter instance, jurisdictions use diversion in lieu of formal court processing. The concept of diversion is based on the theory that processing certain youth through the juvenile justice system may do more harm than good (Lundman, 1993). Courts may inadvertently stigmatize some youth for having committed relatively petty acts that might best be handled outside the formal system. In addition, involvement with the juvenile justice system may increase some risk factors for delinquent behavior, such as delinquent peer associations. Diversion also is designed to reduce demands placed on overburdened juvenile courts and detention facilities, so they can concentrate on more serious offenders (Sheldon, 1999).

To reduce minority overrepresentation, diversion programs divert youth from formal court processing while still providing a mechanism that holds them accountable for their actions. Examples of diversion programs include community service, informal hearings, family group conferences, victim impact panels, victim-offender mediation, mentoring, teen courts, restitution, and other restorative justice strategies.

Many diversion programs incorporate the restorative justice principles of repairing the harm done to victims and communities. The essence of restorative justice lies in the perspective that crime harms people, communities, and relationships. Consequently, if crime is about harm, then the justice process should emphasize repairing the harm (Bazemore, Seymour, and Rubin, 2000). Restorative justice differs from traditional juvenile justice in the way it views and addresses crime. Whereas the traditional justice system focuses on the offender's culpability and need for sanctioning and/or treatment, a restorative system takes a broader approach. Howard Zehr (1990) maintains that a restorative system focuses on three primary questions: What is the nature of the harm resulting from the crime? What needs to be done to repair the harm? Who is responsible for the repair? Thus, a restorative system places more emphasis on the victim and views the offender as more than an object of punishment—the offender is held accountable for repairing the harm that the crime caused. A restorative court supports, facilitates, and enforces reparative agreements (Bazemore, Seymour, and Rubin, 2000).

### **Alternatives to Secure Confinement (Detention and Corrections)**

Like diversion, the concept of secure confinement alternatives is based on the premise that time spent in secure detention or corrections may do more harm than good for some youth. In many instances, juvenile offenders who might qualify for less restrictive treatment or sanctions are securely confined because no appropriate options exist. Detention and corrections alternatives give such youth the benefit of remaining in their communities with greater access to needed resources without endangering the community and at much less expense than secure confinement (OJJDP, 2001:37). This approach keeps less serious or nonviolent offenders at home or in their home communities, thus increasing the availability of secure beds for the most serious and violent offenders (OJJDP, 2001:37).

There are many different types of secure confinement alternatives, but all are used as either a pre- or post-adjudication secure confinement alternative to keep youth from being placed behind bars for any length of time (see exhibit 3 for examples). A pre-adjudication program is an alternative to detention and helps ensure that youth appear in court. A post-adjudication program is an alternative to correctional placement that is more severe than regular supervision but less restrictive than confinement. In addition, correctional alternatives generally entail a longer length of stay and are more likely to provide an array of treatment interventions designed to effect behavioral change. Examples of secure confinement alternatives include home confinement (or house arrest), day (or evening) treatment facilities, shelter care, specialized foster care, attendant or holdover care, and intensive supervision programs (see exhibit 3).

### Exhibit 3: Alternatives to Secure Confinement

*Home confinement* or house arrest is a community-based program designed to restrict the activities of offenders in the community. Offenders live at home, go to work, run errands, attend school, and fulfill other responsibilities. However, they are closely monitored (electronically and/or through frequent contact with staff) to ensure that they comply with the conditions that the court has set. They are restricted to their residence for varying lengths of time and are required to maintain a strict daily schedule. Home confinement programs can be used as a pre- or post-adjudication program.

*Day (or evening) treatment* is a highly structured, nonresidential, pre- or post-adjudication, community-based alternative that provides intensive supervision to ensure the community's safety and a range of services for offenders to prevent future delinquent behavior. Offenders must report to the treatment facility on a daily basis at specified times (either during the day or in the evening) for a specified period (generally at least 5 days per week) but are allowed to return home at night. The program may provide special weekend activities. Services may include individual and group counseling, recreation, education, vocational training, employment counseling, life skills and cognitive skills training, substance abuse treatment, and referrals to community resources.

*Shelter care* is a pre- or post-adjudicatory alternative that offers residential care for youth who need short-term placement (i.e., for 1 to 30 days) outside the home. Shelter care is used for juveniles who require more intensive supervision than that provided by nonresidential options and for youth who must be detained because no parent or family member is available. Facilities are staff secure or nonsecure. Staff monitor youth 24 hours per day, 7 days per week, and provide a full schedule of structured educational and recreational activities.

*Specialized foster care* is an adult-mediated treatment model that recruits and trains families to offer placement and treatment for youth with a history of chronic and severe delinquency. Usually, youth are closely supervised at home, in the community, and at school. Foster care parents provide one-on-one mentoring and consistent discipline for rule violations. Foster care parents typically receive special training on the needs of youth involved in the juvenile justice system and have access to additional resources to address special situations.

*Attendant or holdover care* is a pre-adjudicatory alternative that provides a safe, temporary setting for youth who do not meet detention criteria but need a place to stay until other suitable arrangements can be made. This alternative is used for youth who require relatively intensive but very short-term supervision following an arrest and prior to a court hearing. It is especially appropriate for runaways from rural areas and minors who violate liquor laws. The programs are staffed by community volunteers or paid personnel and administered by law enforcement, juvenile court, probation, or a nonprofit organization. In more remote areas, staff may be on call.

*Intensive supervision programs (ISPs)* are a community-based, post-adjudication, nonresidential alternative that provides a high degree of control over offenders to ensure public safety, without the additional costs associated with confinement. ISPs have small caseloads, strict conditions of compliance, and high levels of contact and intervention by the probation officer or caseworker. ISPs typically use a variety of risk control strategies (e.g., multiple weekly face-to-face contacts, evening visits, urine testing, electronic monitoring) and deliver a wide range of services to address offenders' needs. ISPs generally fall into two categories: those that serve probationers who have been assessed as high risk and those developed specifically as alternatives to institutionalization.

## **Advocacy**

A direct service strategy aimed at reducing minority overrepresentation need not, and should not, be limited to the provision of supervision and substantive interventions to decrease delinquency and other problem behaviors. Indeed, minority youth and their families may benefit from assistance in successfully navigating the complex procedures, overwhelming multitude of social services agencies, and circuitous organizational tiers that often comprise a juvenile justice system response to a young offender (OJJDP, 2001:40). In general, advocacy connects youth and families with a variety of social networks and service providers to integrate services that multiple agencies provide, ensure continuity of care, and facilitate the development of a youth's social skills (Sheldon, 1997). Advocacy is a "client-level strategy for promoting the coordination of human services, opportunities, or benefits" (Macallair, 1994:84) that helps youth and families move through this maze.

Advocacy services can take many forms. Advocates can assist youth and families in understanding the juvenile court process from arrest to disposition and the roles of the various system representatives. They also can help parents and other family members overcome distrust of and hostility toward the system. Advocates can assist youth and families in gaining improved access to counsel and in understanding their legal rights. They also can facilitate coordination within the justice system and/or between the justice system and other services.

Detention advocacy programs offer comprehensive services to youth who are likely to be detained pending adjudication. Once a potential client is identified, a case manager develops and presents to the judge a release plan that includes a list of appropriate community services (e.g., tutoring, drug counseling, family counseling) that will be accessed on the youth's behalf and specific objectives (e.g., improved grades, victim restitution, drug-free status) that will be used to evaluate the youth's progress. If the judge deems the release plan acceptable, the youth is released under supervision (Sheldon, 1997). Detention advocacy programs ensure that youth receive frequent, consistent supervision and that families obtain needed support (e.g., assistance in securing employment, daycare, drug treatment, and income supplementation such as food stamps).

## **Training and Technical Assistance**

*(DMC factors: differential opportunities for prevention and intervention; differential handling; legislative, policy, and legal factors; justice by geography; and accumulated disadvantage)*

All children and youth, regardless of race or ethnicity, have more in common than they have differences, but culture does influence how they behave and how the juvenile justice system perceives them. Although racial discrimination may emerge from these differences some of the time at some stages of the juvenile justice process, little evidence exists that racial disparities result from systematic, overt bias. Instead, such disparities in the juvenile justice system appear to be the indirect result of unintentional racial bias and

the amplification over time of initial disadvantages (Sampson and Lauritsen, 1997:311). Indirect racial discrimination can occur even when no intention to discriminate exists. For example, a rule stating that all students must not wear anything on their heads could result in discrimination against students whose religion requires the wearing of headwear.

In law enforcement and juvenile justice, communities can enable decisionmakers and all personnel who routinely interact with system-involved youth to gain the knowledge and skills they need to work effectively with culturally diverse minority youth and to address indirect (particularly unintentional) racial bias. Cultural competency training and technical assistance is the most common method for disseminating these practical tools.

Cultural competency can be defined as a set of congruent behaviors, attitudes, and policies that interface with each other in a system, an agency, or a network of professionals to work effectively in cross-cultural situations (Cross et al., 1989; Isaacs and Benjamin, 1991). The term *culture* refers to integrated patterns of human behavior—including thoughts, communications, actions, customs, beliefs, values, and institutions—associated with particular racial, ethnic, religious, or social groups. The term *culturally competent* describes the capacity to function effectively within the context of the behavior patterns characteristic of such groups. Operationally, cultural competency entails transforming knowledge about particular individuals and groups into culturally appropriate (as those individuals or groups define them) standards, policies, practices, and attitudes that increase the quality of services, thereby producing better outcomes (Davis, 1997).

Cultural competency is not an either-or issue. Rather, it is a developmental process that occurs along a continuum. Researchers have separated the continuum into six clusters reflecting degrees of competency: (1) cultural destructiveness, (2) cultural incapacity, (3) cultural blindness, (4) cultural precompetence, (5) cultural competence, and (6) cultural proficiency. It has been said that, at best, most social services agencies responsible for meeting the needs of children and families fall somewhere between cultural incapacity and cultural blindness (Cross et al., 1989).

This dismal assessment of the cultural competency of social services agencies suggests that minority youth may be treated differently from other youth. For example, Latino youth face many barriers in the justice system, including a lack of bilingual and culturally competent staff, which can result in harsher treatment and profound confusion and frustration for youth and families who speak little or no English (Villarruel, 2002).

## **Cultural Competency Training and Program Development**

### **Benefits of Cultural Competency Training**

Providing cultural competency training is one way in which agencies can increase the effectiveness of staff at all levels. Cultural competency training can engender a deeper awareness of cultural factors (e.g., differences in communication styles, body language and demeanor, language use, beliefs about the family, attitudes toward authority figures) that typically influence decisionmaking about youth (OJJDP, 2001:42). Such training

seeks to increase knowledge about different cultures, address cultural biases and stereotypes, and produce changes in the practices of individuals and the organizations to which they belong.

Cultural competency training can alter the beliefs and behaviors of juvenile justice personnel, system administrators, elected officials, and the general public in far-reaching ways regarding minority overrepresentation. Through such training, for instance, juvenile justice professionals could gain essential contextual information regarding Native American and Alaska Native youth, including the history of conquests by white traders and settlers, genocide, decimation from disease, forced loss of cultural heritage and sacred land, and the evolution of alcohol use, violence, and chronic disease (DeBruyn et. al., 2001). A working knowledge of the history, traumatic losses, cultural frameworks, and cultural change of different racial and ethnic groups could help these professionals identify the combinations of risk and protective factors that violence prevention strategies should address to be most useful for youth in each group. If this type of cultural competency training was mandatory and provided systematically throughout the juvenile justice and related youth-serving systems, cross-cultural understanding within organizations would improve and interventions would become culturally relevant and more likely to be successful (Ellis, Klepper, and Sowers, 2001; DeBruyn et. al., 2001; Federle and Chesney-Lind, 1992).

### **Resources for Cultural Competency Training**

The American Correctional Association and the Police Executive Forum have developed an excellent example of cultural competency training entitled *Training in Cultural Differences for Law Enforcement/Juvenile Justice Practitioners*. This OJJDP-sponsored training curriculum is designed to increase the effectiveness of police and other juvenile justice personnel who work with minority victims, suspects, and offenders and to improve policies governing the way police, juvenile court, and corrections personnel treat minority youth. The participant's manual contains four modules, a cultural diversity action plan, and extensive appendixes. The first module identifies the benefits to professionals of cultural diversity training (e.g., increased safety, compliance with police agency directives, increased job satisfaction, fewer citizen complaints against the police, minimal risk of successful lawsuits, decreased paperwork and hearings associated with complaints and lawsuits, increased community involvement and cooperation). The second module explains the concepts of culture and cultural diversity and defines terms such as culture, subculture, values, prejudice, stereotyping, ethnocentrism, discrimination, racism, acculturation, and assimilation. The third module covers cross-cultural communication, with an emphasis on components of effective communication, factors that impede the communication process, automatic actions people take when they witness an event, and communication styles. The fourth module presents questions that professionals should ask themselves when they interact with people from different cultural groups and gives information on how to respond effectively to people from different cultures. The cultural diversity action plan contains exercises on self-awareness, values, prejudice, communication, goals, and task management. The appendixes focus on juvenile courts, juvenile community programs, juvenile institutional workers, and law enforcement. *Training in Cultural Differences for Law Enforcement/Juvenile Justice*

*Practitioners* (NCJ Number 163318) is available through the National Criminal Justice Reference Services at [www.ncjrs.gov](http://www.ncjrs.gov).

Although not a juvenile justice organization, the National Multicultural Institute (NMCI) is a valuable resource for training, consulting services, and publications on cultural competency and related issues. Founded in 1983, NMCI helps individuals, organizations, and communities create a society strengthened and empowered by diversity. NMCI has extensive experience working with corporations, educational institutions, government agencies, and nonprofit organizations in the areas of workforce diversity, human resources management, multicultural education, and cross-cultural conflict resolution. NMCI organizes conferences in the spring and fall, provides customized training and consulting interventions for organizations, and offers many training manuals and other publications. In the past few years, more than 35,000 participants have attended NMCI's national conferences and onsite workshops. Conference participants have come from all 50 states and other countries. NMCI training manuals include the following: *Developing Diversity Training for the Workplace: A Guide for Trainers*, *Teaching Skills and Cultural Competency: A Guide for Trainers*, *Cultural Competency in Healthcare: A Guide for Trainers*, *Multicultural Case Studies: Tools for Training*, and *Customizing Diversity Training with Case Vignettes*. NMCI is located in Washington, DC. Web site: [www.nmci.org/index.htm](http://www.nmci.org/index.htm). Contact information: Maria Morukian, program manager (202-483-0700).

### **Providing Culturally Appropriate Services**

Providing culturally appropriate services is another way that communities can improve the cultural competence of their social services agencies. This strategy, however, is often implemented in a well-meaning yet inappropriate manner. For example, some programs focusing on drug treatment, delinquency prevention, violence prevention, or mental health problems may focus on services for particular ethnic groups or subcultures but use conventional means to provide these services. A more appropriate method to provide culturally competent services to a specific ethnic group is to use approaches grounded in the culture and traditions of the population being served. This approach is based on the assumption that cultural values and traditions, when incorporated into a program, improve the integrity of the treatment. Thus, for services to be effective, providers must consider the specific characteristics of the group being targeted, and the services must be grounded in the value system, traditions, and language of the targeted group.

### **Examples of Culturally Competent Programming**

The Strengthening Families Program (SFP) is a classic example of culturally competent programming. SFP is a family skills training program that increases resilience and reduces risk factors for substance abuse, depression, violence and aggression, delinquency, and school failure in high-risk children (ages 6 to 12) and their parents. The SFP curriculum includes three courses (parent skills training, children's skills training, and family life skills training) taught in fourteen 2-hour sessions. In the first hour, parents and children participate in separate skills-building classes that are each led by two co-leaders. During the second hour, families practice structured family activities, therapeutic child play, family meetings, communication skills, effective discipline, reinforcing

positive behaviors in each other, and jointly planning family activities. SFP was developed in 1982, and positive outcomes were first demonstrated in the original research study conducted from 1983 to 1987. Since then, more than 15 independent research replications have yielded significant positive results. SFP has been modified for African American, Asian/Pacific Islander, Hispanic, and Native American families; rural families; and families with young teens. Canadian and Australian versions also have been tested. Although originally developed for children of substance abusers, SFP is effective and widely used with non-substance-abuse parents in many settings. Web site: [www.strengtheningfamiliesprogram.org/index.html](http://www.strengtheningfamiliesprogram.org/index.html). Contact information: Strengthening Families, University of Utah (801-581-7718).

Another example is the Syracuse Family Development Research Program (FDRP), a comprehensive early childhood program targeting African American, single-parent, economically disadvantaged families. The intervention bolsters child and family functioning (i.e., improves children's cognitive and emotional functioning, helps children develop a positive outlook, and decreases juvenile delinquency in later years) through home visitation, parent training, and individualized daycare. The original FDRP provided a full range of education, nutrition, health and safety, and human services resources to participating families that began prenatally and continued until the children reached elementary school age. Child development trainers work with participating families during weekly home visitations to increase positive family interaction, cohesiveness, and nurturing. In the FDRP's Children's Center, infants are assigned to a caregiver for attention, cognitive and social games, sensorimotor activities, and language simulation. The preschool program supports child-chosen opportunities for learning and peer interaction through specific types of activities that each have dedicated space at the Children's Center. Contact information: Dr. Alice Sterling Honig, Professor Emerita of Child Development, Syracuse Family Development Research Program (315-443-4296, e-mail [ahonig@mailbox.syr.edu](mailto:ahonig@mailbox.syr.edu)).

### **Cultural Competency at the Oregon Youth Authority**

The Oregon Youth Authority (OYA) is an excellent example of a community agency committed to cultural competency training and program development. In May 2000, OYA's Juvenile Policy Committee developed and formally adopted a set of organizational protocols that provide a foundation and direction to assist OYA in becoming a culturally competent agency. Within the OYA, the Office of Minority Services (OMS) ". . . provide[s] leadership, advocacy, and guiding principles to assist [OYA] in its ongoing efforts to become a culturally competent organization and address the complex issues of a culturally and ethnically diverse agency. Minority Services supports OYA in embracing the values and strengths of all cultures and the implementation of culturally relevant, gender-specific, and language-appropriate treatment services that empower youth to make positive changes." In addition, the Juvenile Crime Prevention Advisory Committee (JCPAC) adopted a policy requiring counties to ensure that services are culturally appropriate and gender specific; JCPAC commissioned OMS to develop an interagency committee charged with designing training and technical assistance on cultural competency/gender-specific services to assist

counties in incorporating these services in their juvenile crime prevention plans. (Exhibit 4 summarizes guidelines for developing culturally competent programs, used in Marion County, Oregon, as presented in Oregon's *Cultural Competency and Gender-Specific Resource Guide*.)

#### **Exhibit 4: Guidelines for Developing Culturally Competent Programs**

The Marion County Commission on Children and Families (cited in *Oregon's Cultural Competency and Gender-Specific Resource Guide*), developed a list of program guidelines to assist in the process, program design, and evaluation of culturally competent programs. All the guidelines listed are important and, if incorporated, maximize program effectiveness. These guidelines are applicable to all services along the continuum from community-based prevention programs to intensive residential programs, detention, and state institutions. Even if programs serve small diverse populations, they can meet the guidelines and create an effective continuum of care.

##### **A. Environment (the community the program operates in)**

- The program has identified resource people from various cultural populations of the community.
- The program has developed and maintains ongoing direct person-to-person contact with these resource persons.
- Resource persons are asked to participate in program evaluation(s).
- The program has accurate demographic data about various cultural communities it proposes to serve.
- The program uses demographic data to ensure that all cultural populations receive equal access and/or equal services as required to meet their needs.

##### **B. Management control (the governing and administration system for the program)**

- People from various ethnic and cultural backgrounds will comprise the board.
- The program has written policies or plans, which call for the program to become culturally competent.
- The board of directors must approve written policies or plans.

##### **C. Resources (the money, technology, human resources, etc., coming into the program)**

- The program employs ethnic, bilingual, and culturally diverse staff and/or volunteers in positions that have direct contact with clients.
- The program has the capacity to serve clients from all ethnic and cultural demographics in the community.

##### **D. Change technology (activities/interactions that create positive change or add value)**

- The program has incorporated the concepts of culturally competent, gender-specific, and language-appropriate services into its ongoing training programs.
- All staff members and volunteers receive at least 4 hours of cultural competency training annually.

(continued)

#### **Exhibit 4: Guidelines for Developing Culturally Competent Programs (continued)**

- The program has a resource library containing up-to-date articles, books, tapes, etc., related to cultural issues.
- The program provides opportunities, which help clients understand and appreciate cultural differences.

#### **E. Facility and grounds (actual site(s) where program activities and services occur)**

- Architectural and structural barriers are removed to provide reasonable accommodation and access to services.
- Posted information is written in a variety of appropriate languages.
- The atmosphere in the program acknowledges and welcomes people from diverse cultural backgrounds through artwork, posters, books, etc.

#### **F. Services delivered (actual services/products delivered, hopefully with positive change or value added. Include any resources leaving the program, such as staff turnover)**

- Clients from all cultural and language backgrounds successfully complete the program in similar ratios.
- All clients receive equitable services, appropriate and relevant to the clients' cultural and language backgrounds.
- Personnel records reflect nondiscriminatory practices in the hiring, promotion, and retention of staff.

#### **G. Feedback/evaluation (information relating to program goals and objectives)**

- The program assesses its "cultural competency" policy and plans with input from staff, volunteers, resource people, and clients.
- All programs, organizations, projects, etc., will submit an outline of their cultural competency plan detailing the goals, objectives/activities, and post-assessment for each of the criteria.

Source: Oregon's *Cultural Competency and Gender-Specific Resource Guide*, Werber, 2001.

OMS provides support, including staff development, training, technical assistance, and program development, to assist OYA facilities in delivering effective, culturally specific treatment services. OMS also helps regions to identify key focus areas for their regional diversity plans, establish measurable outcomes for activities in these focus areas in collaboration with staff from the Community Resources Unit, and advocate for resources. OMS provides consultation, training, and technical assistance for OJJDP and the National Institute of Corrections on cultural competency/diversity, DMC, intensive aftercare programs, and elements of transition. Web site: [www.oregon.gov/OYA/oms.shtml](http://www.oregon.gov/OYA/oms.shtml). Contact information: (503-737-7205, e-mail [oya.info@oya.state.or.us](mailto:oya.info@oya.state.or.us)).

#### **Culturally Competent Staffing Practices**

Staffing practices can be a powerful tool for strengthening an organization's capability to deliver culturally competent services. Juvenile justice agencies can hire, promote, and retain at all levels qualified, culturally competent personnel who belong to the minority

groups that these agencies serve (see exhibit 5). As part of an effort to develop and maintain a culturally diverse staff, some organizations have established minority internship programs. Agencies also can hire interpreters and translators so that non-English speaking youth and families can participate in juvenile court proceedings. Jurisdictions have taken a number of other steps to improve their juvenile justice systems, including adding juvenile court probation staff in tribal juvenile courts, recruiting members of minority groups to serve on community boards, reducing barriers to advocacy, developing brochures and other materials in languages other than English, and providing better information to parents (especially in languages they can understand) (Hsia, Bridges, and McHale, 2004).

### Exhibit 5: Characteristics of Culturally Competent Programs and Organizations

The literature on culturally competent services has identified a number of principles and practices that characterize successful culturally competent programs and organizations (King, M.A., Sims, A, and Osher, D., 2001). They include the following:

- **Commitment to providing culturally competent services.** Ensure that your organization's or program's mission statement expresses a commitment to cultural competency and gender specificity as an integral aspect of all activities. Conduct a comprehensive assessment of your organization's cultural competency and gender specificity.
- **Awareness and acceptance of the concept of diversity.** Form a committee or task force on cultural competency and gender specificity within your program or organization to foster awareness and acceptance of the concept of diversity.
- **Efforts to promote staff self-awareness and self-appreciation.** Through informal brown bag lunches and other means, engage staff in discussions and activities that give them an opportunity to explore attitudes, beliefs, and values related to cultural and gender diversity. Every fiscal year, dedicate a portion of your program or organizational budget to funding staff development activities such as participation in conferences, workshops, and seminars on cultural competency and gender-specific services.
- **Understanding of the dynamics of cultural differences and how they influence the development of relationships and interventions.** Gather and organize resource materials related to cultural competency and gender specificity for staff in your organization or program.
- **Understanding of client and community cultural backgrounds, values, and contact with service delivery system.** Identify the different cultural, linguistic, and racial and ethnic groups and groups of girls and young women within the geographic area that your organization or program serves. Familiarize yourself with their history, culture, traditions, and values. Assess the degree to which they are accessing services and their satisfaction with services they receive.
- **Flexibility in adapting methods and skills to match client and community needs and backgrounds.** Build and use a network of natural helpers, community informants, and others who are knowledgeable about the different cultural, linguistic, and racial and ethnic groups and groups of girls and young women that your organization or program serves.

Translations must be done with great care. Not all terms used in the English language—especially technical words and phrases—have equivalent expressions in other languages. In addition, different dialects may interpret the same term differently. Therefore,

jurisdictions should periodically engage community residents to assess the accuracy of translated information.

Given the distrust that may exist between members of racial and ethnic minority communities and law enforcement personnel, juvenile courts also can consider performing outreach activities that make law enforcement officers more visible in the community and allow more contact with community members. Innovative methods such as neighborhood prosecution can increase trust between community residents and the justice system. For example, the San Diego City Attorney's Neighborhood Prosecution Unit combines restorative justice practices (discussed earlier) with neighborhood prosecutors who work with police and community partners to develop proactive, community-based solutions to crime problems. Their Downtown Community Court requires misdemeanor offenders who commit crimes downtown to perform community service to repair the harm they have caused. This court is a collaborative effort involving the Downtown San Diego Partnership, San Diego Superior Court, San Diego Police Department, Office of the Public Defender, and other government and community-based organizations. Their Mid-City Community Court focuses on misdemeanor quality-of-life crimes in the mid-city area. A panel that includes community members determines sanctions. Offenders perform community work service, attend rehabilitative and educational programs, and pay fines and fees. The goals of this community court are greater accountability of offenders to the community and greater community involvement in the criminal justice process.

Web site: [www.sandiego.gov/cityattorney/criminal/npu/index.shtml](http://www.sandiego.gov/cityattorney/criminal/npu/index.shtml).

Contact information: 619-533-5500, e-mail [reception@sandiego.gov](mailto:reception@sandiego.gov), attention: NPU.

## **System Change**

*(DMC factors: differential opportunities for prevention and intervention; differential handling; legislative, policy, and legal factors; indirect effects; and accumulated disadvantage)*

System change strategies seek to alter the basic procedures, policies, and rules that define how a juvenile justice system operates to address DMC (see exhibit 6). Because such strategies aim to transform the system itself, they have the potential for producing pervasive, fundamental, and lasting change in a system's ability to respond effectively to minority youth (OJJDP, 2001:37). These strategies are especially critical in jurisdictions where factors influencing minority overrepresentation may be embedded in the cultural, policy, procedural, and legislative framework of the juvenile justice system.

Although system change strategies can be tremendously powerful and enduring, they can be challenging to implement for at least two reasons. First, system change often requires coordination among a variety of youth-serving organizations, including child welfare, education, health, and juvenile justice agencies, that may not be accustomed to coordinating and collaborating with each other. Second, some personnel may not understand the need for change and may strongly resist it. Many may be cynical about change or doubt that effective means exist with which to accomplish major system

change. Others in the system may perceive that proposed changes could undermine values that they hold dear or go against the way they believe things should be done. In addition, different system components may have conflicting goals that pit them against each other.

### **Exhibit 6: Elements of Successful System Change Initiatives**

To accomplish pervasive, fundamental, far-reaching, and lasting changes, system initiatives must include the following elements (adapted from Hsia and Beyer, 2000):

- **A “big picture” perspective that system leaders and managers can share.** States and local jurisdictions need to be convinced of the benefits of system change. They must envision how they want their juvenile justice system to function, assess how it currently operates, prioritize the changes they want to implement, and persevere over the long term.
- **Cross-agency partnerships and coordination between stakeholder groups.** System change affects juvenile justice professionals, staff from other youth-serving agencies, and members of the community. Therefore, form interagency groups to coordinate planning and implementation of the system change initiative.
- **Ongoing data collection and effective use of research and evaluation findings.** Gather and analyze data to document system problems and identify potential solutions based on available research regarding what may and may not work to reduce DMC. Research data also can provide a sound basis for legislative reforms and funding decisions and establish objective measures of progress for the initiative.
- **Financial incentives.** Set aside adequate funds so that you can provide, if necessary, financial incentives for implementing system change.
- **Top-down and bottom-up commitment.** Agency leaders and staff must both embrace the initiative. Typically, a visionary, persuasive, and consistent “champion” instigates the system change. Then, a change agent usually translates the vision into a realistic and executable plan. Next, implementation generally is best carried out as a team effort. Communications about the system change initiative should flow frequently from the leaders to all staff, and information regarding concerns and frustrations should flow back from staff to the leaders through open forums to maintain their support and commitment to change.

Generally, when a jurisdiction initiates a DMC-related system change, it examines the rules by which its juvenile justice system operates to determine if any policies, procedures, or laws place minority youth at a disadvantage. Elements that the jurisdiction may have to review include the following: existing sentencing guidelines, diversion guidelines, minimum standards for equitable treatment and processing of juvenile offenders, detention risk assessments, probation classification systems, release criteria, factors considered in judicial waiver cases, and state and local statutes. Types of system change that can influence DMC include legislative reforms; administrative, policy, and procedural changes; and structured decisionmaking.

#### **Legislative Reforms**

Legislative reforms can be an effective strategy for addressing DMC because they have enormous potential for producing broad-based change in every aspect of the system.

During legislative sessions, it is important to monitor bills concerning juvenile justice issues and children and families to be sure they do not result in statutes that could fuel overrepresentation or bias justice officials' decisionmaking or reporting (e.g., legal definition of a gang, mandatory juvenile sentencing guidelines, construction of secure facilities).

### **Examples of Laws That Increase Overrepresentation**

The disparities in federal sentencing laws for crack cocaine and powder cocaine possession and trafficking illustrate how legislation can worsen DMC. Crack cocaine use became prevalent in the mid-1980s and received massive media coverage as a violence-inducing, highly addictive drug plague of inner cities. This media attention led to the quick passage of two federal sentencing laws concerning crack cocaine in 1986 and 1988. The laws created a 100:1 quantity ratio between the amount of crack cocaine and powder cocaine needed to trigger certain mandatory minimum sentences for trafficking and possession. For powder cocaine, a conviction of possessing 500 grams or more with intent to distribute carries a 5-year sentence. For crack cocaine, a conviction of possessing only 5 grams with intent to distribute carries a 5-year sentence. In addition, crack cocaine is the only drug that carries a mandatory prison sentence for first offense possession. A person convicted in federal court of possessing 5 grams of crack cocaine automatically receives a 5-year prison term. A person convicted of possessing 5 grams of powder cocaine probably would receive a probation sentence. Under these laws, crack cocaine users and dealers receive much harsher penalties than users and dealers of powder cocaine. Moreover, most defendants convicted of using and dealing crack cocaine are African American. The result has been a massive sentencing disparity by race, with African Americans receiving longer sentences than the mostly white and Hispanic powder cocaine offenders (The Sentencing Project, no date).

Zero tolerance policies are another example of administrative policies that may unintentionally draw more minorities into the system. These types of policies also have been empirically shown to result in disproportionate treatment of minority youth. Zero tolerance laws originated from policies designed to deter students from carrying guns to school and engaging in violence at school. Over time, zero tolerance policies were extended to restrict other behaviors; research indicates that these policies are more likely to exist in predominantly African American and Latino school districts. In addition, minority youths appear to be more likely to be disciplined for minor infractions than their nonminority counterparts (Nellis, 2005; Dunbar and Villarruel, 2003).

### **Examples of Laws That Address Overrepresentation**

Legislation can also be designed to reduce DMC. In Washington State, the legislature enacted laws to establish standards for decisionmaking at certain stages of the juvenile justice process and also require state agencies to monitor and report annually on how county juvenile courts handle minority youth. The specific legislation includes the following:

### ***Engrossed Substitute House Bill 1966.***

Enacted in 1993, the bill mandated that a group of justice officials in the Office of the Administrator of the Courts (the Juvenile Justice Racial Disproportionality Work Group) develop standards for the prosecution of juvenile offenders, review disproportionality in diversion, and review the use of detention in an effort to reduce disproportionality.

Prosecutorial standards were adopted in 1995.

### ***House Bill 2319***

Enacted in 1994, the bill mandated statewide annual monitoring of racial disproportionality in juvenile courts at the county level. The law also provided funds in the 1993–95 biennial budget to “evaluate racial and ethnic disparity within county programs,” including annual reporting on the effectiveness of county-based measures to reduce disproportionality within the state. Further, the law established local juvenile justice advisory committees at the county level to monitor and report annually on proportionality and the effectiveness and cultural relevance of local and state rehabilitative services for juveniles. The committees were also charged with reviewing and reporting on citizen complaints regarding bias or disproportionality within local juvenile justice systems. The committees are required to submit reports annually to the Washington State Sentencing Guidelines Commission, the agency that oversees all aspects of juvenile and criminal sentencing in the state and reports biennially to the legislature.

### ***House Bill 2392***

Passed in 1996, the bill established an experimental program in two counties to implement and evaluate prosecutor guidelines for reducing racial inequality in the prosecution of juveniles. Two participating prosecutors’ offices developed and implemented a system to track the application of prosecutorial standards in cases brought to juvenile court. The system shows whether the race, gender, religion, or creed of the suspect or victim influenced the decision to prosecute or not prosecute.

### **Administrative, Policy, and Procedural Changes**

Legislative reforms that significantly alter the way an organization operates often provide the impetus for administrative, policy, and procedural changes that can reduce DMC. In the State of Washington, for instance, the three pieces of legislation described above led to major administrative and procedural changes in the state’s juvenile justice system that were intended to influence DMC. They included the following: adoption of standards for prosecuting juvenile offenders; development of experimental programs implementing prosecutor guidelines to reduce racial inequality in the prosecution of juveniles; a requirement that state agencies supervising youth adjudicated delinquent or convicted in criminal court report annually on minority representation; and establishment of local juvenile justice advisory committees to monitor and report annually on proportionality, and review and report on citizen complaints regarding bias or disparity within local juvenile justice systems (Hsia, Bridges, and McHale, 2004:15–16).

## Structured Decisionmaking

One of the most powerful system reforms for reducing and preventing DMC is the implementation of structured decisionmaking using statistical risk classification (i.e., a risk assessment instrument). A risk assessment instrument is an empirically based, standardized, objective instrument for use in evaluating a youth's background and current situation and estimating the likelihood that the youth will continue to be involved in delinquent behavior (see exhibit 7). Community corrections may use the results of risk assessment to specify the level or intensity of supervision needed; in residential settings, risk assessment results may determine the security level and living unit (Clear and Gallagher, 1983; Wiebush et al., 1995).

### Exhibit 7: Protocol for Developing and Implementing a Risk Assessment Instrument

Gottfredson and Snyder (2005) have identified five steps for developing and implementing a risk assessment instrument:

- **Step 1:** Define the criterion categories of “favorable” or “unfavorable” performance, or “new offense,” or some other event. This step involves defining the behavior or event you will predict and developing procedures for classifying persons based on their performance associated with that behavior or event. Step 1 is of utmost importance because it establishes the standard for selecting predictors and testing the validity of results. In addition, it sets limits to generalization.
- **Step 2:** Select and define the attributes or characteristics on which you may base the predictions. These “predictor candidates” should relate significantly to the criterion categories.
- **Step 3:** Measure the relations between the predictor candidates and the criterion categories in a representative sample of the population for which you will draw inferences. Measure these relations using the appropriate statistical technique (Pearson product moment correlation coefficient, the point biserial correlation, the phi coefficient, or the odds ratio). In most cases, use a random sample from the population to which you will make generalizations to find the representative sample. Any haphazardly identified sample is apt to introduce bias, so procedures for sample selection should ensure that every individual in the population has an equal chance of being included in the sample.
- **Step 4:** Test the prediction procedures in a new sample of the population to verify the relations found in the original sample. Although most researchers omit this verification (referred to as cross-validation), it is a critical step. Without it, one can have little confidence in the utility of a prediction method for any practical application.
- **Step 5:** Apply the prediction method in the types of situations for which the method was developed. You can take this step, provided you supported the stability of predictions in the cross-validation (step 4) and used the appropriate samples.

In many juvenile justice systems, practitioners make decisions based on their experience and knowledge of a youth's background, without using research-based tools. However well intentioned, such clinical predictions can be rife with unintentional racial bias that results in DMC. The absence of structured decisionmaking at any point in the juvenile justice process allows practitioners to base decisions on subjective criteria that may be related to race. For example, Iowa's assessment research indicated that some officers equated the wearing of certain sports apparel with gang membership, so youth wearing

such apparel were more likely to be referred to juvenile court instead of diverted (Leiber, 1994).

Structured decisionmaking holds the promise of enabling practitioners to objectively classify delinquent youth according to level of risk and to reassess level of risk at different stages in the juvenile justice process. Accurate information about level of risk, in turn, can improve decisionmaking regarding treatment, placement, and court disposition. Statistical risk assessment entails having youth complete a standardized risk assessment instrument, which usually consists of questions related to a small number of factors that research has shown can predict future offending. The screener determines the risk level from the numerical scores assigned to the responses and often divides the summated risk score into categories of low, medium, and high risk. (Some instruments allow the screener to override the instrument's determination or offer opportunities to mitigate or aggravate the score based on favorable or unfavorable characteristics. Screeners must apply overrides and mitigating and aggravating factors with caution, however, because the value of the screening instrument lies in its objectivity.) Statistical risk assessments are a valuable tool for reducing recidivism because they allow practitioners to accurately reassess the level of risk at various decision points and thus respond more efficiently and effectively to youth in the system.

Even structured decisionmaking instruments can contribute to minority overrepresentation unless practitioners take proper care at each step of the development process. An obvious example of pitfalls to avoid is the use of race (and/or ethnicity) as a predictor of recidivism. While recidivism differences may be correlated with race, they are not caused by race. Attributes that are themselves correlated with race (e.g., poverty, school failure, a high proportion of unsupervised time in a day, levels of community disruption, amount of police surveillance in the community) cause the differences in recidivism (Gottfredson and Snyder, 2005). When information on these attributes is unavailable (as is often the case), their predictive power is partially captured by race and invites the erroneous interpretation that race is causally related to recidivism.

To address this problem, Gottfredson and Snyder (2005)<sup>6</sup> suggest that risk scale developers add a race variable in the early stages of risk scale development but omit this variable from the published instrument. The authors argue that some statistical methods used in the development of risk scales remove the unique (i.e., independent) effect of race from the prediction process. They maintain that unless race is mathematically included in the initial steps of risk scale development, when race correlates with the criterion measure, one cannot remove racial bias from the resulting risk scale; it remains unobtrusively present beneath the surface, influencing each risk scale score.

Multnomah County (Oregon) is an excellent example of a jurisdiction that successfully uses a structured decisionmaking instrument to reduce DMC. As in many jurisdictions, minority youth were overrepresented in detention. Introducing an objective screening instrument not only reduced the use of pretrial detention but also substantially decreased the differences between admissions for white and nonwhite youth (Orlando, 1998). (See case study on Multnomah County DMC, later in this chapter.)

The State of Washington also has implemented a structured decisionmaking instrument (see exhibit 8). The Washington Association of Juvenile Court Administrators and the Washington State Institute of Public Policy jointly developed the Washington State Juvenile Court Assessment, with input from probation line staff, juvenile court administrators, and juvenile justice researchers. The instrument contains highly relevant assessment content and profiles factors that are critical to promoting positive outcomes for youth involved in the justice system. The instrument was designed to accomplish the following: (1) determine a youth's level of risk for reoffending; (2) identify the risk and protective factors linked to the youth's criminal behavior so that case managers can tailor rehabilitation to the youth's assessment profile; (3) develop a case management approach focused on reducing risk factors and increasing protective factors; and (4) allow case managers to determine if targeted factors change as a result of the court's intervention. Although reducing DMC was not its primary purpose, the instrument imposes a uniform procedure for assessing youth and thus decreases the number of racially biased assessments and recommendations.

### **Exhibit 8: Washington State's Process for Developing a Risk Assessment Instrument**

Jurisdictions interested in developing structured decisionmaking instruments may find the process that the State of Washington used to create its State Juvenile Court Assessment (Washington State Institute for Public Policy, 2004) helpful. The Washington Association of Juvenile Court Administrators and the Washington State Institute of Public Policy performed the following 10 steps:

1. Reviewed juvenile delinquency literature, including recidivism prediction literature and instruments, theoretical models for juvenile delinquency, risk and protective factor research, resiliency research, and research on effective juvenile delinquency programs.
2. Drafted a risk assessment instrument based on the literature review.
3. Submitted the draft for review and comment to a group of international experts (Scott Henggeler, Medical University of South Carolina; Mark Lipsey, Vanderbilt University; Patrick Tolan, University of Illinois at Chicago; and David Farrington, Cambridge University, England).
4. Modified the instrument based on reviewers' comments.
5. Submitted the revised instrument for review and comment to more than 40 juvenile court professionals in the state and convened a series of focus groups with juvenile court professionals.
6. Modified the instrument based on anecdotal information that the state's juvenile court professionals provided.
7. Delivered a 2-day training to juvenile court professionals on use of the instrument.
8. Pilot tested the instrument in 12 state juvenile courts with 150 youth and modified the instrument based on pilot test results.
9. Implemented the instrument in two stages. Stage 1 entailed administering a prescreen assessment—a shortened version of the full 132-item instrument—to all youth on probation. Stage 2 involved administering the full instrument only to youth assessed as moderate or high risk based on the prescreen. The full instrument generated a profile of risk and protective factors to guide decisionmaking about interventions for these moderate- and high-risk youth.

(continued)

## **Exhibit 8: Washington State’s Process for Developing a Risk Assessment Instrument (continued)**

10. Validated the instrument(s). As documented in a report on the instrument’s validity, the assessment produced a valid risk classification, and the risk and protective factors included in the assessment were demonstrated to be empirically associated with recidivism. Therefore, it is appropriate for the courts to use the assessment to place youth in programs that address their risk profiles and to expect that effective programs will reduce risk factors and increase protective factors for these youth.

(To access the shorter prescreen assessment and the full Washington State Juvenile Court Assessment, visit the Web site of the Washington State Juvenile Court Administrators at [www.wajca.org/risk.cfm](http://www.wajca.org/risk.cfm).)

## **Case Studies of Jurisdictional Initiatives**

This section presents case studies of jurisdictional DMC initiatives that have shown encouraging results in reducing minority overrepresentation at various juvenile justice decision points. There have been three major efforts over the last two decades to develop and assess efforts to reduce minority overrepresentation in the juvenile justice system. The first was the OJJDP DMC Initiative initiated in 1991. Under this initiative, OJJDP competitively selected Arizona, Florida, Iowa, North Carolina, and Oregon to receive funds to experiment with approaches to reducing DMC. The Annie E. Casey Foundation established the second in 1992 to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. This initiative was known as the Juvenile Detention Alternatives Initiative (JDAI). The goals of the JDAI were to reduce the number of children unnecessarily or inappropriately detained; to minimize the number of youth who fail to appear in court or reoffend pending adjudication; to redirect public funds toward successful reform strategies; and to improve conditions of confinement. The final effort is that of the Haywood W. Burns Institute (Burns Institute). The Burns Institute leads a group of traditional and nontraditional stakeholders through an intensive data-driven, consensus-based process to reduce the overrepresentation of minority youth in their juvenile detention facilities.

Many of the case studies highlighted here are a result of one or more of these initiatives.<sup>7</sup> In addition, the initiatives highlighted here are primarily charged with reducing the disproportional representation of minority youth in detention as opposed to the entire juvenile justice system. This irregular distribution is the result of the relatively recent change of the DMC requirement in the JJDP Act of 2002 that modified the definition of DMC from disproportionate minority “confinement” to disproportionate minority “contact.” This broader definition is only now beginning to influence the assortment of programs designed to impact disproportionality in the system.

Each case study provides background information on the DMC problem (including identified DMC factors and relevant juvenile justice decision points), a description of strategies used to address the problem, a discussion of available evidence regarding the strategies’ impact on DMC trends, and contact information. Because the research base for

these initiatives is not sufficiently rigorous, they are described as “developing” initiatives that have a strong theoretical base and for which there is some empirical and anecdotal evidence of effectiveness. These initiatives are, nevertheless, excellent foundations from which other jurisdictions can learn.

## **Bernalillo County, New Mexico**

### **Problem**

Bernalillo County is home to Albuquerque and is located in central New Mexico. According to 2002 census figures, the county had 593,765 residents, 233,565 of Latino origin. In 1999, 72 percent (2,840) of the juveniles arrested in the county were minority youth. This figure is well above the percentage of minority youth in the county’s general population.

Detention reform and system change have been a major focus of Bernalillo’s DMC reduction initiative. Detention reform began in earnest in 1998. At that time, the Bernalillo County Juvenile Detention Center was an 80-bed facility with an average daily population of 118 juveniles. At one point in early 1998, the daily population had risen to a high of 143 juveniles, and the Center installed stackable bunk beds to accommodate the additional youth. Because of the severe overcrowding, it was virtually impossible to conduct normal programming, and tension within the facility mounted for both staff and youth. These circumstances drove detention center Director Tom Swisstack and juvenile court Judges Tommy Jewell and Michael Martinez to begin reforming the detention system, with guidance from the Annie E. Casey Foundation. The Foundation provided seed funding for the county to study JDAI pilot sites and plan its own detention reform campaign.

Bernalillo established a steering committee of top officials from the juvenile court, the probation department, the district attorney’s office, the public defender’s office, and the Juvenile Detention Center. The committee conducted an extensive review of the county’s current juvenile justice procedures and identified several critical issues. One major problem was the large number of probation violations. Most probation agreements contained dozens of rules and requirements, which made it unlikely that any youth on probation could meet all the terms of the agreements. Curfew violations, failed drug tests, driving without permission, and other minor misbehavior were commonplace. These violations often led officers to revoke probation and return youth to locked detention pending a new court hearing. The system was characterized as a “lobster trap”—it was easy to get in but hard to get out.

Another problem was the issuance of an excessive number of bench warrants. The committee found that many youth had plausible excuses for missing their scheduled court dates but were arrested nonetheless and sent to detention until their rescheduled court dates.

The committee also found that many youth in detention needed mental health services. According to a 2002 report prepared by the U.S. House of Representatives, Committee on

Government Reform, Special Investigations Division, 13 of the 14 juvenile detention facilities in New Mexico were housing youth who had serious mental disorders and who had been sent to the facilities for no reason other than to wait for mental health services to become available. The report also indicated that one in seven New Mexico youth in detention was awaiting mental health treatment. In Bernalillo, the figure was even higher—63 percent of the teens referred to the Center suffered from emotional or behavioral health problems.

Drawing on the successful experiences of other sites that used the JDAI principles, Bernalillo designed an integrated, community-based continuum of services that consisted of prevention and early intervention services as well as graduated sanctions provided by a cooperative of the county’s education, juvenile justice, and social services organizations. The cooperative’s goal was to intervene early and effectively to help youth stay in school and out of the juvenile justice system. The county developed this new approach specifically to address the issues that surfaced during the procedural review.

**Bernalillo County, New Mexico: DMC Problem**

<b>DMC Factors (√ = Identified)</b>	<b>Juvenile Justice Decision Points (√ = DMC Identified)</b>
<ul style="list-style-type: none"> <li>• Differential offending</li> <li>• Differential opportunities</li> <li>• Differential handling √</li> <li>• Legislative, policy, and legal factors √</li> <li>• Justice by geography</li> <li>• Indirect effects</li> <li>• Accumulated disadvantage</li> </ul>	<ul style="list-style-type: none"> <li>• Population at risk</li> <li>• Arrest</li> <li>• Referral</li> <li>• Diversion</li> <li>• Detention √</li> <li>• Petition</li> <li>• Delinquent findings</li> <li>• Probation √</li> <li>• Secure corrections</li> <li>• Transfer to adult court</li> </ul>

**Strategies**

**Direct Services**

The Bernalillo cooperative offers an array of direct services that range from prevention strategies in the public school system, to progressive detention alternatives, to secure detention.

***Truancy Intervention and Prevention Program***

In 2001, the Juvenile Detention Center received funding that supported the development of a strong collaboration among the Albuquerque Public Schools (APS), the juvenile justice system, and the community. The need for a Truancy Intervention and Prevention Program (TIPP) was evident in light of several factors. The APS annual dropout rate was

9.35 percent, compared with the national average of 5 percent. Also, truancy referrals to the children's court increased 14 percent between 1997 and 1998. (APS defines truancy as 11 full days of excused or unexcused absences per semester.)

The Trumbull/La Mesa area was chosen as the pilot site for the TIPP initiative. TIPP receives referrals from two elementary schools. A child is referred when he or she has been absent seven or more times in a semester. The goal is to intervene effectively with children and families, and decrease school absences before the child establishes a pattern of truancy. TIPP staff visit homes and link families with needed services and resources. Within the home and community, TIPP seeks to involve parents in positive interactions that foster healthy attachment to their children, the school, and the neighborhood. In addition, TIPP provides teen mentors who help improve the children's academic skills, encourage them to attend school regularly, and assist them in overcoming roadblocks to personal and social achievement and growth.

### ***Early Interventions***

Directing juveniles away from further involvement in the juvenile justice system is a priority of the collaborative. To this end, the cooperative implemented several community-based programs for high-risk youth in partnership with the APS, Juvenile Probation and Parole, Children's Court, ABQ Weed and Seed Projects, Advocacy Inc., Behavioral Health Research Center of the Southwest, Albuquerque Parks and Recreation, Albuquerque Community Centers, Albuquerque Police Department, Bernalillo County Sheriff's Department, and Albuquerque and Hispano Chamber of Commerce.

The partnership provides a wide range of services. These include general education and computer training, substance abuse education and treatment groups, life skills training, employment skills training, mental health services, health and HIV education, alternative sentencing, mentorship, and recreation therapy.

Various intervention programs within the Juvenile Detention Center offer education, recreation, substance abuse education and treatment, therapeutic group activities, and community-sponsored activities. Residents who feel that alcohol and other drugs are having a negative impact on their lives can participate in the AYUDA program. *Ayuda* means "help" in Spanish and is the acronym for "Assisting Youth Using Drugs and Alcohol." AYUDA provides assessment, counseling, relapse prevention, and case management services; addresses issues including anger management and domestic violence; and uses innovative strategies such as music groups and Tai Chi. AYUDA also makes appropriate referrals for youth who would like to participate in comparable programs upon release.

Another program at the Juvenile Detention Center provides both indoor and outdoor recreation activities and other positive activities. This program's goal is to promote healthy lifestyles. The Center offers art therapy and pet-assisted therapy to improve residents' morale and behavior while they wait for their hearings. These programs are intended to have beneficial effects that continue after the residents' release and, therefore, are expected to help decrease recidivism.

### ***Diversion***

Bernalillo established the Children's Community Mental Health Clinic (CCMHC), a free-standing, outpatient mental health clinic for system-involved juveniles and other youth in the community. Rick Miera, an elected member of New Mexico's state legislature and a substance abuse counselor at the Juvenile Detention Center, championed this innovative diversion strategy. The Center operates CCMHC in collaboration with several health care organizations.

The CCMHC service team consists of psychiatrists, nurses, social workers, counselors, and case managers. Available services include evaluation and assessment; individual, family, and group therapy; medication management; substance abuse treatment; case management; and psychological testing. Juvenile justice system practitioners, care providers, parents, and patients can make referrals to CCMHC. Evaluations done at CCMHC are for diagnostic and treatment purposes. A multidisciplinary team designs treatment plans to meet the individual needs of each patient.

### ***Detention Alternatives***

In 1998, Bernalillo was already operating a home detention and electronic monitoring program, but it was used infrequently. On any given day, just four or five youth were enrolled in the program, and no staff had been dedicated to the program. Today, the Community Custody Program (CCP) oversees 30 to 35 young people per day. Each CCP supervisor receives a program manual that outlines four levels of supervision.

Some of the youth in CCP also participate in the Youth Reporting Center (YRC) program. This alternative to secure detention offers academic learning, recreation, and other workshops designed to promote and reinforce the acquisition of beneficial skills and socially acceptable behaviors. YRC is located on the grounds of the Juvenile Detention Center and is open from 8 a.m. to 8 p.m. 7 days per week. The Second Judicial District Court or the Children, Youth and Families Department makes referrals in conjunction with the Probation and Parole Office.

### **Training and Technical Assistance**

None reported.

### **System Change**

Bernalillo County methodically reorganized its resources, budget, and staff to focus on community-based treatment and innovative policies that cost taxpayers less money. Detention center staff members were assigned to direct services such as electronic monitoring and the day treatment center rather than secure detention. The center hired an expeditor to follow each youth placed there and speed up the cases. Bernalillo's detention reform leaders meet at 11 a.m. each workday to develop a consensus recommendation for every young person slated for a detention hearing.

Bernalillo’s steering committee also reduced the number of youth detained for violating probation orders or missing court dates. The committee developed and implemented a new sanctions grid prescribing the steps officers should follow before revoking probation. Probation officers are now required to bring any request to revoke probation to the deputy probation director. The result has been a 50-percent drop in the number of youth placed in locked detention for probation violations.

Bernalillo also reformed the system to reduce the number of youth confined on bench warrants for failure to appear at their court hearings. Reforms included sending notices in Spanish and making reminder calls. In 2000, before the reforms were implemented, the county admitted 542 youth to detention on bench warrants and typically confined them until their court dates. The county “cleaned house,” thus reducing the number of warrants. That is, Bernalillo reviewed old warrants and used the National Crime Information Center index to identify superfluous warrants.

Legislative changes also helped reduce the number of youth in detention. New Mexico changed its children’s code; these changes included reducing petition times and not allowing children younger than age 11 to be detained.

**Bernalillo County, New Mexico: DMC Strategies**

<b>DMC Strategies (√ = Implemented)</b>
<p><b>Direct Services</b></p> <ul style="list-style-type: none"> <li>• Prevention √</li> <li>• Early intervention √</li> <li>• Diversion √</li> <li>• Alternatives to secure detention √</li> <li>• Alternatives to secure corrections</li> <li>• Advocacy</li> </ul>
<p><b>Training and Technical Assistance</b></p> <ul style="list-style-type: none"> <li>• Cultural competency training and program development</li> <li>• Staff recruitment</li> </ul>
<p><b>System Change</b></p> <ul style="list-style-type: none"> <li>• Legislative reforms √</li> <li>• Administrative, policy, and procedural changes √</li> <li>• Structured decisionmaking tools √</li> </ul>

**Impact on DMC Trends**

By improving system operations and offering a greater array of programmatic choices, Bernalillo County has made great strides in reducing the number of youth overall—including minority youth—who come into contact with the juvenile justice system. Much

of this success has come from decreasing the reliance on locked detention. The population of the Juvenile Detention Center has declined from an average daily population of 113 in 1999 to 47 in 2004. Over a 6-year period (from 1999 to 2005), the number of youth booked declined from 4,726 to 3,892, and the number of youth booked and held in confinement dropped from 2,494 to 1,549. Fewer youth are going to detention and those who are placed in detention stay fewer days. The average length of stay fell from 15 days to 13 days.

In addition, the juvenile court issues fewer bench warrants because reforms have increased the number of youth who appear for their scheduled court dates and give youth a second chance when they offer reasonable excuses for missing court. Between 1999 and 2005, the number of youth who failed to appear in court decreased from 831 to 480.

Alternatives to detention such as the community custody program and the YRC have been successful. Only 5 percent of participants commit new misdemeanors, and another 17 percent are returned to detention after breaking program rules. A large majority (76 percent) complete the programs successfully and appear in court as scheduled without committing new offenses.

Regarding the direct effect of reforms on reducing DMC, there is still work to be done. The number of minority youth booked in 2005 decreased to 2,426 (62 percent) compared with 2,840 (72 percent) minority youth booked in 1999. Although this figure is disproportionately high when compared with the number of youth in the general population, it represents a step in the right direction. More data are being evaluated regarding Bernalillo's full continuum of juvenile justice services and their impact on DMC trends.

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### **Resources**

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## **Cook County, Illinois**

### **Problem**

In December 1992, the Annie E. Casey Foundation launched a multiyear, multisite project called the Juvenile Detention Alternatives Initiative (JDAI). The purpose of JDAI was to demonstrate that interagency collaboration and data-driven policies and programs can reduce the number of youth behind bars without sacrificing public safety or court appearance rates. Cook County was one of the original JDAI sites.

The Cook County JDAI project targeted minority youth in detention. In 1996, more than 90 percent of the county's average daily detention population of 694 was minority youth (Hoyt et al., 2002).

The initiative began with the establishment of a Disproportionate Representation Committee (DRC). A presiding judge chaired the DRC. Committee members included representatives of court services and probation, the public defender's office, juvenile detention, and, at times, the police department and the state attorney's office. The committee also included representatives of community-based groups such as the Westside Association for Community Action and advocacy organizations such as Northwestern University Law School's Children and Family Justice Center. The committee developed specific goals related to DMC, including an agenda for research into reasons for overrepresentation of minorities, and revisions of policies, procedures, practices, and programs, as necessary.

## Cook County, Illinois: DMC Problem

DMC Factors (√ = Identified)	Juvenile Justice Decision Points (√ = DMC Identified)
<ul style="list-style-type: none"> <li>• Differential offending</li> <li>• Differential opportunities</li> <li>• Differential handling √</li> <li>• Legislative, policy, and legal factors √</li> <li>• Justice by geography</li> <li>• Indirect effects</li> <li>• Accumulated disadvantage</li> </ul>	<ul style="list-style-type: none"> <li>• Population at risk</li> <li>• Arrest</li> <li>• Referral</li> <li>• Diversion</li> <li>• Detention √</li> <li>• Petition</li> <li>• Delinquent findings</li> <li>• Probation</li> <li>• Secure corrections</li> <li>• Transfer to adult court</li> </ul>

### Strategies

#### Direct Services

Cook County’s approach for addressing DMC focused on developing a range of community-based alternatives to detention and changing the way the system dealt with youth who failed to appear in court, violated probation, or committed other minor infractions. The county established a continuum of detention alternatives, including home confinement, electronic monitoring, shelters, and evening reporting centers (ERCs).

The most innovative programs are the ERCs, where youth eligible for secure detention receive intensive, individualized supervision during the high-crime hours (3:00 p.m. to 9:00 p.m.) on weekdays and Saturdays. The ERCs are an interim measure to reduce the risk of reoffending. Another goal is to ensure that the youth appear in court while allowing them to continue their schooling and remain at home. Nonprofit community-based organizations located in high-referral neighborhoods operate the ERCs and employ staff primarily from those neighborhoods. Each ERC supervises up to 25 youth and maintains a 1:5 staff-to-youth ratio. At the ERCs, youth participate in recreational activities, receive tutoring and counseling, and are given referrals for other community-based services. The length of participation in the ERC program ranges from 5 to 21 days, while delinquency proceedings are pending. The cost of the ERC program is approximately \$33 per youth per day.

The Sheriff’s Work Alternative Program (SWAP) is another community-based program designed to reduce the detention population by creating alternative sanctions for youth who violate the conditions of probation. Before SWAP was created, youth charged with violating the terms of their probation would spend an average of 21 days in detention. SWAP provides a “detention step-down” alternative to this costly practice. Now, the

court can choose to detain a youth for 7 days in secure detention and then order that he or she participate in SWAP.

### **Training and Technical Assistance**

The DRC decided to implement cultural diversity and communication training as a way to help staff in juvenile justice agencies become more culturally sensitive. With assistance from a consultant provided by the Annie E. Casey Foundation, Cook County developed a train-the-trainer model to create within each agency the organizational capacity for delivering training. The model focuses on reducing racial stereotypes and bias in decisionmaking and emphasizes how staff influence the decisionmaking process. Since 1997, six system components—the police department, the judiciary, the public defender’s office, the juvenile detention center, the state’s attorney’s office, and juvenile probation and court services—have trained staff.

### **System Change**

The DRC developed a new risk assessment tool for detention intake, with a point system that takes into account race-related considerations. For example, factors that previously increased the points for minority youth (such as whether a youth had two parents versus another guardian who could hold the youth accountable) were reweighted. The designers of this tool sought both to improve the outcomes for all youth and to be more sensitive to the life contexts of minority youth by reducing the points allocated for criteria more commonly associated with minority arrestees (such as prior police contacts and whether a youth came from a single-parent household). As a result, prior arrests were not counted in the scoring of the detention screening instrument, only prior referrals to court.

Cook County also addressed a gap in the quality of defense that minority youth received through the indigent defense system. In July 1996, the Public Defender’s Office established a Detention Response Unit consisting of two paralegals who interview detained youth prior to their custody hearing to obtain their version of the instant offense. During these interviews, the paralegals give the youth important information about what to expect at the hearing and how to conduct themselves. The paralegals relay the results of the interviews, including risk assessment factors, to the public defender conducting hearings that day. In addition, the paralegals verify community ties and contact families to stress the importance of their presence at the custody hearing. The paralegals also suggest detention alternatives that the lawyers can recommend to the court. In summary, by adding a larger social narrative to the court process—one that resource-poor public defenders often cannot marshal—the Detention Response Unit provides judges with a better understanding of each youth’s circumstances and a greater array of community-based alternatives where youth can be supervised.

## Cook County, Illinois: DMC Strategies

DMC Strategies (√ = Implemented)
<p><b>Direct Services</b></p> <ul style="list-style-type: none"> <li>• Prevention</li> <li>• Early intervention √</li> <li>• Diversion √</li> <li>• Alternatives to secure detention √</li> <li>• Alternatives to secure corrections</li> <li>• Advocacy √</li> </ul>
<p><b>Training and Technical Assistance</b></p> <ul style="list-style-type: none"> <li>• Cultural competency training √</li> <li>• Cultural competent program development</li> <li>• Staff recruitment</li> </ul>
<p><b>System Change</b></p> <ul style="list-style-type: none"> <li>• Legislative reforms</li> <li>• Administrative, policy, and procedural changes √</li> <li>• Structured decisionmaking tools</li> </ul>

### Impact on DMC Trends

Between 1996 and 2000, the Cook County DMC initiative reduced the average number of youth in secure detention on any given day from 694 to 478. Considering that more than 90 percent of youth admitted and held in detention were members of minority groups, these figures represent a 31-percent drop in the minority detention population (Hoyt et al., 2002). The proportion of minority youth in detention, however, remained roughly the same before and after the initiative.

From 1996 to 1999, African Americans continued to be overrepresented at almost every stage of the Cook County juvenile justice system, including the arrest stage and “each of the stages that directly lead to post-trial confinement in a secure detention or correctional facility” (Illinois Criminal Justice Information Authority, 2003). Disagreements regarding the very definition of the DMC problem among DRC members appear to have led the committee to change the initiative’s focus from addressing overrepresentation to creating a more effective system “for all kids.”

In 2003, the Illinois Juvenile Justice Commission launched two new local DMC projects in a renewed effort to reduce minority overrepresentation in Cook County: one in Cook County’s South Suburbs and one in Chicago’s Lawndale community. Both these communities are working with experts from the W. Haywood Burns Institute to reduce the number of minority youth who are detained unnecessarily in their communities.

Lawndale's new DMC project specifically targets youth who are detained for failure to appear in court. On July 1, 2005, Lawndale's probation officers and adjudicators introduced new administrative procedures designed to help juveniles make their court date. These procedures include: (1) providing additional written reminders of court dates to youth and their families; (2) delaying the issuance of bench warrants when questions exist about why a youth has failed to appear in court; (3) facilitating quicker post-warrant return of youth who fail to appear in court; and (4) expediting assessment and treatment of youth with drug problems (since drug abuse may contribute to absenteeism/failure to appear in court). Lawndale's DMC Advisory Board has also launched a number of community-based delinquency prevention programs, such as a parenting program and a job readiness program, which the committee believes will have a long-term impact on minority delinquency rates (Lawndale DMC Advisory Committee, 2006).

The South Suburban DMC (SSDMC) project targets youth who are detained for technical violations of probation. The project's advisory board is now creating an ambitious wraparound services program for such youth, and it eventually plans to offer them a wide array of community-based alternatives to detention, including an evening reporting center, an electronic monitoring program, anger management services, counseling services, community health referrals, family group counseling, peer courts, and balanced and restorative justice programs (SSDMC Advisory Committee, 2006).

The Burns Institute DMC pilot sites in Illinois have not yet been evaluated. The sites expect to begin formal evaluations to assess their effectiveness at reducing DMC in the targeted areas sometime in 2006. The results from these evaluations will also assist the Illinois Juvenile Justice Commission in determining if the Burns Institute model should be expanded to additional sites.

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## Resources

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## Hillsborough County, Florida

### Problem

In 1990, the Florida State Supreme Court created a special committee to investigate racial and ethnic bias in Florida's judicial system. This committee, known as the Racial and Ethnic Bias Study Commission, sponsored several ambitious research studies examining the treatment of minorities throughout the state's justice system. The commission's final report on the juvenile justice system (Florida State Supreme Court Racial and Ethnic Bias Commission, 1991) found that "minority juveniles are being treated more harshly than nonminority juveniles at almost all stages of the juvenile justice system, including: arrest; referral for formal processing; transfer to the adult criminal system; secure detention prior to adjudication; and adjudication and commitment to traditional state-run facilities."

Based largely on the commission's findings, OJJDP chose Florida to participate in the two-phase DMC initiative. Phase 1 entailed researching the DMC problem, and phase 2 focused on implementing DMC interventions. During phase 1, Florida's project team conducted additional research examining racial bias in juvenile justice decisionmaking throughout the state. The research uncovered especially severe minority overrepresentation in Hillsborough County.

Primarily for this reason, the state selected Hillsborough as the site of its DMC demonstration intervention. According to phase 1 data, the odds in Hillsborough County of African American youth being involved in the juvenile justice system were the same as, or higher than, those of the state's juvenile population as a whole at almost every decision point in the juvenile justice process (Caliber Associates, 1996).

African American youth in the county were more than twice as likely as white youth to have an initial referral to the juvenile justice system. During the 16-month research period, 11 percent of the county’s 19,000 African Americans ages 10 to 17 were referred to the system compared with 5 percent of the white juvenile population. African American youth represented 22 percent of the study population<sup>8</sup> but made up 39 percent of youth referred to the system and 63 percent of youth eventually committed. Once referred, African American youth were twice as likely to be detained. When not detained, a white youth would more often receive a “no petition” intake recommendation, whereas an African American would more often receive a “petition” recommendation. Statistics for Hispanics (15 percent of the study population) showed a pattern of referrals and dispositions very similar to that for whites.

Florida’s DMC project team focused its efforts on expanding the range of treatment, rehabilitation, and diversion programs available to minority youth. Representatives from the following organizations worked on the DMC initiative: the Juvenile Justice Work Group (including the Tampa-Hillsborough Urban League, Inc., and the Agency for Community Treatment Services, Inc.), the Hillsborough Juvenile Welfare Board, the Juvenile Assessment Center (JAC), and the local Health and Rehabilitative Services. The Hillsborough County DMC initiative included three major components: a coalition of concerned citizens and a core planning group, a system for diverting nonserious minority youth from formal involvement with the juvenile justice system, and cultural sensitivity training for professionals in the system.

**Hillsborough County, Florida: DMC Problem**

<b>DMC Factors (√ = Identified)</b>	<b>Juvenile Justice Decision Points (√ = DMC Identified)</b>
<ul style="list-style-type: none"> <li>• Differential offending</li> <li>• Differential opportunities √</li> <li>• Differential handling √</li> <li>• Legislative, policy, and legal factors</li> <li>• Justice by geography</li> <li>• Indirect effects</li> <li>• Accumulated disadvantage</li> </ul>	<ul style="list-style-type: none"> <li>• Population at risk</li> <li>• Arrest</li> <li>• Referral √</li> <li>• Diversion √</li> <li>• Detention √</li> <li>• Petition √</li> <li>• Delinquent findings</li> <li>• Probation</li> <li>• Secure corrections</li> <li>• Transfer to adult court</li> </ul>

**Strategies**

**Direct Services**

The DMC initiative implemented three direct service strategies to address DMC. First, the initiative recruited 32 service providers from the coalition membership to offer

traditional services, such as education assistance, job training and placement, mental health and substance abuse treatment, crisis management, and juvenile arbitration. The initiative required all providers to offer a culturally sensitive environment for treatment programs, supervise community service hours, and provide a structured setting for youth. The DMC initiative especially sought to involve providers not traditionally used in the juvenile justice system to broaden the base of participating service providers from the county's minority community.

Second, the initiative established a juvenile civil citation program that permitted the JAC or the state attorney's office to issue a sanction of up to 40 hours of community service to a juvenile charged with a nonserious offense without taking the youth into custody. The program sought to divert youth from the "front door" of the justice system at the point of initial contact. This diversion was developed in response to data showing that African American youth were overrepresented at the initial point of contact and the overrepresentation gradually increased at later decision points. The program was intended to have a ripple effect—by reducing the number of African American youth at the point of initial contact, the program would decrease the number of African American youth at subsequent stages in the juvenile justice process.

Third, the initiative developed an assessment and diversion advocacy system for minority youth. The basic process was as follows: the state attorney's office identified youth who were qualified to go to court by virtue of their offenses and prior record. In cases involving minority youth who met certain eligibility requirements, the state attorney's office, instead of petitioning the court, made an exception and diverted the youth to the minority diversion program. For such youth, a JAC specialist drafted a diversion plan that focused on addressing individual and family functioning issues and made arrangements with appropriate treatment providers. The JAC specialist and a case manager on loan from the Florida Department of Juvenile Justice closely supervised the youth as they completed treatment and other sanctions. The maximum caseload for the minority diversion program was set at 50.

### **Training and Technical Assistance**

Phase 1 findings indicated that intake workers and members of law enforcement might have biases contributing to DMC. Therefore, development and implementation of a plan to provide cultural competency training was part of the Hillsborough DMC initiative. The plan directed the Urban League to hire a full-time training specialist to design a cultural competency curriculum for juvenile justice and law enforcement personnel and provide them with cultural competency training. To prepare the training plan, the training specialist was directed to follow African American youth through the juvenile justice system and into the community, experiencing firsthand the situations and problems that these youth face. The training specialist also received cultural competency training, conducted research needed to design the training curriculum, and received technical assistance from researchers at the University of South Florida to ensure that the best available methods for cultural competency training were used.

## System Change

The main system change strategy was the formation of a core planning group to coordinate the planning and implementation of the county's DMC initiative. Members included representatives of the general community, the minority community, private sector and government service providers, the state attorney's office, law enforcement, the school system, and the juvenile justice system. Group responsibilities included the following:

- Reach consensus on the primary issues to be addressed.
- Develop a plan to involve the minority community in resolving the DMC problem.
- Involve key neighborhood leaders and utilize the media to build community interest in action.
- Reach consensus on goals and methods with a coalition of service providers and develop an action plan.
- Implement the plan and evaluate progress.

The Hillsborough County State Attorney quickly emerged as a strong leader within the core planning group, and his office's commitment to offer white and minority youth the same opportunities for rehabilitation and diversion was crucial to the success of the Hillsborough program.

### Hillsborough County, Florida

<b>DMC Strategies (√ = Implemented)</b>
<b>Direct Services</b> <ul style="list-style-type: none"><li>• Prevention</li><li>• Early intervention √</li><li>• Diversion √</li><li>• Alternatives to secure detention</li><li>• Alternatives to secure corrections</li><li>• Advocacy √</li></ul>
<b>Training and Technical Assistance</b> <ul style="list-style-type: none"><li>• Cultural competency training and program development √</li><li>• Staff recruitment</li></ul>
<b>System Change</b> <ul style="list-style-type: none"><li>• Legislative reforms</li><li>• Administrative, policy, and procedural changes √</li><li>• Structured decisionmaking tools</li></ul>

### **Impact on DMC trends**

The Hillsborough DMC initiative was implemented for a little more than 1 year—from January 1994 to February 1995. An analysis of the 1994–95 delinquency data suggests that the pilot project had a profound effect on the county’s juvenile justice system (Nelson, 1996). Although the DMC initiative was designed to decrease the number of minority youth judicially processed and confined, data indicated that the entire county juvenile justice system benefited from the initiative.

An analysis of delinquency cases handled judicially in 1994–95 showed a 4-percent decrease when compared with cases the previous fiscal year. Judicially handled cases involving black youth decreased 5 percent, which made 1994–95 the first year in more than a decade that the number of such cases declined. Judicially handled cases involving white youth decreased 6 percent. In contrast, cases handled nonjudicially in 1994–95 increased 26 percent. Nonjudicially handled cases involving black youth increased 30 percent and nonjudicially handled cases involving white youth increased 21 percent.

An analysis of cases referred to the Juvenile Alternative Sanctions Program (JASP) yielded additional positive findings. JASP cases may be handled judicially or nonjudicially. The total number of cases referred judicially to JASP decreased 6 percent compared with the previous year. For both black and white youth, cases referred judicially to JASP decreased 8 percent. Prior to 1994–95, the total number of cases judicially referred to JSAP had increased for each of the past 5 years. From 1993–94 to 1994–95, the number of cases nonjudicially referred to JASP increased 182 percent. Cases involving black youth referred nonjudicially to JASP increased 261 percent, and cases involving white youth increased 134 percent.

An analysis of cases placed on community control (a community control sanction requires that the youth appear before a judge) showed an 18-percent decrease in 1994–95, compared to the previous year. For the first time in 13 years, community control cases involving black youth decreased (22 percent). For the first time in 5 years, such cases involving white youth decreased (16 percent).

Although the number of delinquency commitment cases increased 2 percent in 1994–95, there was a 1-percent decrease for cases involving minority youth. In addition, the overall number of cases transferred to adult court decreased 16 percent in 1994–95, compared with the previous year. There was an 8-percent decrease in such cases involving black youth and a 32-percent decrease in cases involving white youth.

Ted Tollett, director of the Florida Department of Juvenile Justice’s Office of Research and Planning, attributes much of the Hillsborough County demonstration project’s success to the vigorous support of the local state’s attorney, who helped ensure that minorities and whites were “given the same breaks” and opportunities within the juvenile justice system. Without the support and buy-in of this critical leader, it is unlikely that the initiative would have produced significant results.

## Contact Information

Florida's DMC Initiative was discontinued in early 1995. The state's subsequent efforts to institutionalize this approach by implementing similar projects in other sites in the state failed because of budget cutbacks. Individuals interested in obtaining additional information about the project should contact:

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## Resources

Caliber Associates. 1996. *Evaluation of the Disproportionate Minority Confinement (DMC) Initiative: Florida Final Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Florida State Supreme Court Racial and Ethnic Bias Commission. 1991. *Where the Injured Fly for Justice: Reforming Practices Which Impede the Dispensation of Justice to Minorities in Florida*. Executive Summary. Tallahassee: Florida State Supreme Court.

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## King County, Washington

### Problem

In 2000, King County embarked on an effort to reduce overrepresentation of minority youth in the juvenile justice system, building on lessons learned from DMC initiatives in Multnomah County, Oregon, and Santa Cruz County, California. King County (Seattle and the surrounding area) became the pilot site for the W. Haywood Burns Institute for Juvenile Justice Fairness and Equity, an organization working to reduce the overrepresentation of minority youth in juvenile detention systems nationwide.

The first step was to establish a team of local juvenile justice stakeholders who would support and actively participate in the reform process. The team convened an advisory board consisting of political leaders, representatives from all key agencies in the juvenile justice system (police officers, probation department personnel, public defenders, prosecutors, and judges), and interested community members (e.g., business owners, youth). The advisory board based decisions on a consensus-based approach, which meant that everyone in the group had to approve a recommendation before it could be adopted.

This approach ensured that all participating agencies signed on to all agreements and made implementation more likely and smoother.

The advisory board collected and analyzed local juvenile crime data by race, offense, location, and time. The Seattle Police Department took the lead and set a tone of cooperation and openness. At the onset of this process, the department agreed to collect and share data on race and ethnicity of youth for both pedestrian and traffic stops. As part of the initial data-gathering in 1999, the board hired youth from three target areas in Seattle to conduct community mapping.

The 1999 data indicated that African American youth were disproportionately committing drug offenses and Asian American youth were disproportionately committing vehicle and theft offenses. Further analysis showed that juvenile crime spiked at 3 p.m. and remained high until 10 p.m. African American youth constituted 39 percent of juveniles in detention but only 9 percent of all youth in the jurisdiction. Finally, the length of stay in detention was 14 percent longer for African American youth than white youth.

These findings led the advisory board to develop a plan calling for specific steps related to programming and police practices. The plan was implemented in three phases: phase 1 involved reducing disparities at arrest; phase 2 focused on detention; and phase 3 addressed dispositional decisions.

### King County, Washington: DMC Problem

DMC Factors (√ = Identified)	Juvenile Justice Decision Points (√ = DMC Identified)
<ul style="list-style-type: none"> <li>• Differential offending √</li> <li>• Differential opportunities √</li> <li>• Differential handling √</li> <li>• Legislative, policy, and legal factors</li> <li>• Justice by geography</li> <li>• Indirect effects</li> <li>• Accumulated disadvantage</li> </ul>	<ul style="list-style-type: none"> <li>• Population at risk</li> <li>• Arrest √</li> <li>• Referral</li> <li>• Diversion</li> <li>• Detention √</li> <li>• Petition</li> <li>• Delinquent findings √</li> <li>• Probation √</li> <li>• Secure corrections</li> <li>• Transfer to adult court</li> </ul>

## **Strategies**

### **Direct Services**

To reduce DMC, King County made a number of significant changes to existing direct services. The first strategy entailed expanding the alternatives to secure detention and closely monitoring the ethnic and racial composition of the participant population. Initially, the new alternatives increased DMC because white youth were disproportionately sent to these alternatives. Soon after, however, the county rectified this problem by monitoring the racial and ethnic composition of participating youth. Now, the county can ensure that the number of minority youth sent to detention alternatives is, at the very least, in proportion to the number of minority youth in secure detention. The county has also implemented several new intervention services for offender youth, including evidence-based treatment programs specifically for minority youth with dual diagnoses. Reclaiming Futures grants have helped to support this effort.

### **Training and Technical Assistance**

All current and newly hired juvenile justice personnel are made aware of King County's intention to reduce and prevent DMC. An overall climate of cultural competency is encouraged and expected throughout the system.

In accordance with the Burns Institute process for reducing DMC, King County also hired a part-time site coordinator to guide stakeholders in implementing DMC-related system reforms and to ensure that all involved in the DMC initiative remain focused on agreed-upon priorities. (Without a site coordinator's help, jurisdictions seeking to address DMC often lose momentum because of changes in stakeholders, inconsistent approaches, and short attention spans.) The site coordinator works closely with the Burns Institute to lead stakeholders through the reform process. The site coordinator meets twice yearly with other Burns Institute site coordinators to share best practices. The Burns Institute Web site notes that ". . . the Burns Institute disproportionality focus has been woven into and is a major component of a broader Seattle juvenile justice reform effort called the Juvenile Justice Operational Master Plan."

### **System Change**

King County implemented a number of system changes to address DMC. Strategies included modifying the police booking protocol, developing a detention risk assessment instrument, adding an expeditor, reducing failure-to-appear warrants, and using the guidance of a DMC site coordinator to ensure consistency throughout the system.

In accordance with new booking procedures, all police officers in the county carry a wallet-sized card that lists the basic detention intake criteria and gives the detention-screening unit's phone number. Police are required to call the detention center first before bringing in a youth. If a youth does not meet the criteria, the officer cannot transport him or her to detention. This change in procedure and the close partnership between detention personnel and police officers have been associated with a decrease in inappropriate use of detention for youth.

King County layered on top of the basic detention intake criteria a risk assessment instrument (RAI) that takes into account risks such as offense severity and prior offense history. The RAI is used to generate an objective recommendation to the court on whether a young person should continue to be detained within 24 hours from the time an officer brings a youth to the detention center.

If detention is considered appropriate, an expeditor is charged with ensuring that the judicial system responds quickly. The expeditor contacts the youth’s probation officer and creates a report for the judge. Every 2 weeks, the judge, probation officer, and expeditor conduct a detention review to revisit why the youth was placed in detention initially and why he or she has remained there. Further, the detention review also helps to determine whether the youth still needs to be in detention and whether it is appropriate to seek alternatives.

King County also has taken steps to reduce the number of failure-to-appear warrants. An analysis of 2001 data showed that 49 percent of African American youth received failure-to-appear warrants, compared with 29 percent of white youth. As a warrant and detention history builds, it becomes more likely that the youth will be detained again. The county gathered information to find out why young people failed to appear and how to address the issue. The county has instituted a reminder call system and is collecting data to determine whether this new initiative is useful.

### King County, Washington: DMC Strategies

DMC Strategies (√ = Implemented)
<p><b>Direct Services</b></p> <ul style="list-style-type: none"> <li>• Prevention</li> <li>• Early intervention √</li> <li>• Diversion</li> <li>• Alternatives to secure detention √</li> <li>• Alternatives to secure corrections √</li> <li>• Advocacy √</li> </ul>
<p><b>Training and Technical Assistance</b></p> <ul style="list-style-type: none"> <li>• Cultural competency training and program development √</li> <li>• Staff recruitment √</li> </ul>
<p><b>System Change</b></p> <ul style="list-style-type: none"> <li>• Legislative reforms</li> <li>• Administrative, policy, and procedural changes √</li> <li>• Structured decisionmaking tools √</li> </ul>

## **Impact on DMC Trends**

King County has made great strides in terms of decreasing the use of secure detention. From 1998 to 2004, the average daily population in secure detention dropped 44 percent. This reduction was the same for both minority and white youth. In 1998, before the implementation of reforms, 180 to 190 youth were in detention on a daily basis. In 2004, the average daily number was 100 to 110 youth. What this means for African American youth is that their numbers in detention on a daily basis dropped from 69 to 38 during this period. Although these figures are still disproportionate given the racial composition of the overall population, they represent a step in the right direction.

In addition, since implementation of the King County DMC initiative, African American youth are more often being referred to alternative programs rather than to detention. By 2004, 40 percent of youth in detention alternatives were African American, compared with only 27 percent in 2000.

## **Contact Information**

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## **Resources**

Building Blocks for Youth Initiative. 2005. *No Turning Back: Promising Approaches to Reducing Racial and Ethnic Disparities Affecting Youth of Color in the Justice System*. Profile of Seattle (Washington) Site. W. Haywood Burns Institute for Juvenile Justice Fairness and Equity. Retrieved from Burns Institute Web site ([www.burnsinstitute.org](http://www.burnsinstitute.org)) on January 27, 2006.

## **Mesa County, Colorado**

### **Problem**

Mesa County is rural, but it is the most populated county on the western slope of the Colorado Rocky Mountains, bordering Utah. It is the only county in the state's 21st Judicial District, and its major city, Grand Junction, is the only metropolitan area on the western slope. The county's total juvenile population (ages 10 to 17) is 14,211. The county's largest minority youth population is Hispanic (12.3 percent in 1994 and 13.2 percent today). Overall, minority youth make up 15.5 percent of the total county youth population ages 10 to 17, and 15.5 percent is the target goal for achieving parity for minority youth in the justice system.

In 1994, the State Advisory Group (SAG) funded a study of DMC in the state's juvenile justice system, finding disproportionate minority confinement in the five targeted jurisdictions that accounted for 80 percent of the state's juvenile population. This study showed a high rate of overrepresentation of minority youth in Mesa County at the secure detention and commitment decision points. Specifically, the data indicated that 26 percent of youth in secure detention and 66 percent of committed youth were minorities.

These figures were well above the percentage of minority youth in the general population. The SAG presented the study findings to the committees that coordinate alternatives to detention and wraparound services in the county. The committees decided that the best way to address this overrepresentation was to implement early interventions to prevent minority youth from being placed in secure facilities.

To ensure a comprehensive, working coalition for this initiative, the Mesa County Minority Over Representation (MCMOR) Committee was formed under the leadership of the judicial district's chief judge. The committee was charged with coordinating the planning and implementation of the county's efforts to address DMC. Committee members include representatives from the court, law enforcement, schools, human services, diversion, youth services providers, and the community. The committee conducted public meetings in churches and other community sites to establish strong support; community members supplied the refreshments for these meetings. The coalition jelled after a systemwide commitment was made to objectively collect accurate data at all juvenile justice decision points. The committee continues to meet monthly.

The district court directed the committee's first project, which was funded under Title II (Formula Grants). The committee contracted an attorney to interview all system decisionmakers (e.g., law enforcement officers, prosecuting attorneys, judges, probation officers, school officials, service providers), collect and analyze available data to identify possible DMC contributing factors, and recommend ways to address these factors. This process in 1995 found many contributing factors, which the committee continues to update and clarify through an annual analysis of DMC data, including the need for cultural sensitivity training, lack of knowledge of court/legal procedures, language barriers, poverty, unemployment, academic failure, dropping out of school, frustration with the system, lack of communication, overworked legal counsel/public defenders, and large caseloads. The major recommendations were to review policies and practices that could indicate a lack of skills and knowledge related to working with culturally diverse minority youth, including possible bias in the statewide detention screening tool and to provide an intervention that could reduce the number of minority juveniles committed to the state's Division of Youth Corrections as a result of technical probation violations rather than serious offenses.

Since 2000, the committee has compiled an annual statistical report to track changes in DMC. Data from 2000 to 2004 showed that while minority youth are not overrepresented at the point of arrest, they continue to be overrepresented at decision points after arrest that are more restrictive in nature—detention screening, detention placement, and commitment.

## Mesa County, Colorado: DMC Problem

DMC Factors (√ = Identified)	Juvenile Justice Decision Points (√ = DMC Identified)
<ul style="list-style-type: none"> <li>• Differential offending</li> <li>• Differential opportunities √</li> <li>• Differential handling √</li> <li>• Legislative, policy, and legal factors √</li> <li>• Justice by geography</li> <li>• Indirect effects</li> <li>• Accumulated disadvantage √</li> </ul>	<ul style="list-style-type: none"> <li>• Population at risk</li> <li>• Arrest</li> <li>• Referral √</li> <li>• Diversion √</li> <li>• Detention √</li> <li>• Petition</li> <li>• Delinquent findings</li> <li>• Probation</li> <li>• Secure corrections √</li> <li>• Transfer to adult court</li> </ul>

### Strategies

#### Direct Services

The initial study found that many minority youth failed to comply with court orders and probation conditions, and this noncompliance resulted in secure detention and commitment decisions. The committee established the Minority Family Advocacy Project (MFAP) in coordination with other juvenile justice agencies in Mesa County. MFAP provides case management and advocacy services—delivered by experienced advocates—to help minority youth and their families increase their chances of successfully navigating the juvenile justice system and accessing needed treatment. Mesa County Partners, a nonprofit youth services agency, houses the advocates. Currently, there are two advocate coordinators who provide tracking, advocacy, language interpretation, and case management for 70 high-risk minority youth per year. Each advocate maintains an average caseload of 20 youth.

MFAP advocates give families an extra set of eyes and ears to ensure that youth and family members understand the requirements of the court and other agencies and to help them through the court/legal process. MFAP advocates assist youth in completing diversion and other court-ordered requirements. MFAP advocates accompany families to court hearings and other meetings and stay in constant contact with them to encourage follow-through with agencies and services. In addition, families can contact the advocates to ask questions or discuss concerns.

MFAP services also include mentoring and incentive components for high-risk youth. The advocates recruit, train, match, and supervise mentors who are paired with minority youth. All youth and mentors are required to spend a minimum of 3 hours per week, one-on-one, working on goals that the youth's treatment team set. The goals can involve

activities ranging from tutoring and job hunting to positive recreational activities. Mentors may also work with siblings who may be at risk of delinquent behavior. The incentive component for high-risk youth requires that each participant define and work on accomplishing goals related to education, self-enhancement, and a community project. With the school district, MFAP recently began co-facilitating a gender-specific group for at-risk Hispanic girls to offer them appropriate supervised activity, mentoring, and developmental support.

The primary referral source to MFAP is the court-appointed assessment team, which screens all requests for secure detention. The team refers all minority youth to MFAP, whether they are detained or receive alternative services. If a youth receives alternative services, the MFAP advocate ensures that the youth complies with the pretrial release conditions. If a youth is detained, the advocate attends the detention hearing and offers services to the family. If the family is interested, the advocate sets up an intake meeting to complete paperwork and begins designing a treatment plan and assembling a treatment team for the family. If the family is not interested initially, the advocate gives the family a business card and offers the family a chance to receive services at a later date. MFAP services have increased the number of youth released to nonsecure supervision and reduced lengths of stay in detention.

Secondary referral sources to MFAP are diversion, probation, and the school district. As previously stated, advocates attend case-planning meetings and assist youth in fulfilling the requirements of diversion contracts and probation, thus decreasing revocations and the possibility of detention, commitment, or greater involvement with the juvenile justice system. In addition, MFAP advocates—in cooperation with the school district—work with minority youth who have been suspended or expelled to ensure that their educational needs are still met, as state law requires. As a result, the overall number of suspensions and expulsions has decreased.

### **Training and Technical Assistance**

In accordance with needs identified in the MCMOR Committee's initial study, cultural competency training was provided to the broad spectrum of juvenile justice decisionmakers, including law enforcement officers, juvenile probation officers, and district court judges. Over the years, most agencies have incorporated this training into their standard training agenda. On request, the committee will help any agency obtain training or will provide the training, if possible. The committee will recommend training when data trends suggest it is needed.

### **System Change**

The core system change strategy was the formation of the MCMOR Committee to coordinate the planning and implementation of Mesa County's efforts to address DMC. The court's leadership has been critical to the committee's success. The committee gained credibility and support by collecting accurate data, involving the judicial system, preparing useful annual reports, and maintaining a broad-based membership. The committee's main responsibilities were to:

- Educate the community about the DMC issue.
- Continue data collection and tracking activities to better study overrepresentation in the juvenile justice system; and understand why particular decisions are made and whether current intervention strategies are affecting DMC trends.
- Ensure that minority youth have equal access to alternatives to detention and formal prosecution, such as the intense diversion program that the district attorney’s office operates.
- Continue to offer cultural competency training for all parts of the county’s criminal justice, human services, and school systems and to suggest policy improvements, as needed.
- Work with the entire community and appropriate agencies to enhance prevention and early intervention resources for minority youth and their families.

An MCMOR subcommittee continues to review randomly selected juvenile justice cases to compare the circumstances, offenses, and criminal histories of youth and determine whether different decisions are made for white and minority youth whose cases are comparable. The full MCMOR Committee discusses the results of these reviews and, as needed, considers new ways to improve the juvenile justice system.

**Mesa County, Colorado: DMC Strategies**

<b>DMC Strategies (√ = Implemented)</b>
<p><b>Direct Services</b></p> <ul style="list-style-type: none"> <li>• Prevention</li> <li>• Early intervention</li> <li>• Diversion √</li> <li>• Alternatives to secure detention</li> <li>• Alternatives to secure corrections</li> <li>• Advocacy √</li> </ul>
<p><b>Training and Technical Assistance</b></p> <ul style="list-style-type: none"> <li>• Cultural competency training and program development √</li> <li>• Staff recruitment √</li> </ul>
<p><b>System Change</b></p> <ul style="list-style-type: none"> <li>• Legislative reforms</li> <li>• Administrative, policy, and procedural changes √</li> <li>• Structured decisionmaking tools</li> </ul>

## Impact on DMC Trends

Countywide efforts to improve racial disparities in the juvenile justice system appear to be producing the desired beneficial effects at many juvenile justice decision points (see table 2). In 1998, the overall figures were promising, although they continue to fluctuate somewhat since the initial DMC reduction strategies were implemented. The most profound effect appears at the detention decision point. The percentage of minority youth in detention has decreased 65 percent, dropping from 26 percent in 1996 to a low of 9.1 percent in 2004. The percentage of minority youth in secure commitment has also declined dramatically (63 percent), dropping from 66 percent in 1996 to 24.1 percent in 2004. Unfortunately, it is not possible to judge definitively how the DMC strategies have affected the arrest and probation decision points because baseline data are lacking for minority youth arrested and placed on probation.

**Table 2: DMC Trends in the Juvenile Justice System, Mesa County, Colorado**

Juvenile Justice Decision Points	% Minority Representation					
	FY96	FY00	FY01	FY02	FY03	FY04**
Minority Youth Population*	15.0	15.5	15.5	15.5	15.5	15.5
Arrest	N/A	14.8	14.6	15.1	16.0	15.6
Referral						
Diversion						
Detention	26.0	17.4	24.8	15.5	24.2	9.1
Petition						
Delinquency						
Probation	N/A	15.7	11.6	10.8	14.3	26.5
Secure Corrections	66.0	21.3	15.8	28.6	20.7	24.1
Transfer to Adult Court						

\* The minority population in Mesa County consists almost entirely of Hispanics.

\*\* Detention caps were put in place statewide.

These figures suggest that the Mesa County DMC initiative is making progress toward its goal of addressing minority overrepresentation, but evidence exists that the task in Mesa has not yet been completed: at various juvenile justice decision points, minority youth are represented at a higher rate than minority youth in the general county population.<sup>9</sup> Minority youth were overrepresented at probation (26.5 percent) and secure commitment (24.1 percent) in 2004. The committee is working on plans to reduce DMC at these decision points. The committee also is tracking school data trends (i.e., suspensions, expulsions, and dropout and graduation rates). Constant improvements in the collection of data on issues such as gender differences and length of stay will enhance the analysis of impact and support the development of further interventions.

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## **Sources**

This summary is based on grant applications and progress reports submitted to the Colorado Division of Criminal Justice, presentations made by the MCMOR Project, and interviews with Joe Higgins, Executive Director, Mesa County Partners.

## **Multnomah County, Oregon**

### **Problem**

To reduce and prevent DMC, Multnomah County undertook a series of reforms that focused on detention and emphasized the use of data-based strategies. The overall objectives were to ensure that decisionmaking was fair and equitable and that the juvenile justice system's resources were culturally competent, accessible, and appropriately used for all youth from all racial and ethnic groups. Reforms were instituted beginning in 1994.

Multnomah County, home to Portland, Oregon, has a population of more than 670,000 residents, with 76.5 percent white, 5.7 percent black, 5.7 percent Asian, 7.5 percent Latino, and 1 percent Native American. In 1994, prior to DMC-related reforms, Latinos represented 6 percent and African Americans 10 percent of the total youth population in the county. In 1990, Latino youth were more than twice as likely to be detained as white youth (34 percent versus 15 percent), and Asians, African Americans, and Native Americans were detained at rates that were 47 to 60 percent higher than those for white youth.

In 1993, an analysis of Oregon's data for phase 1 of OJJDP's DMC initiative found that detention processing and police referrals were the major factors contributing to overrepresentation in the county. In that same year, it was noted that the secure detention facility consistently operated at full capacity—96 beds. Pre-adjudicated Multnomah youth, including 70 minority youth, occupied approximately 80 percent of the beds.

### Multnomah County, Oregon: DMC Problem

DMC Factors (√ = Identified)	Juvenile Justice Decision Points (√ = DMC Identified)
<ul style="list-style-type: none"> <li>• Differential offending</li> <li>• Differential opportunities</li> <li>• Differential handling √</li> <li>• Legislative, policy, and legal factors</li> <li>• Justice by geography</li> <li>• Indirect effects</li> <li>• Accumulated disadvantage</li> </ul>	<ul style="list-style-type: none"> <li>• Population at risk</li> <li>• Arrest</li> <li>• Referral</li> <li>• Diversion</li> <li>• Detention √</li> <li>• Petition</li> <li>• Delinquent findings</li> <li>• Probation</li> <li>• Secure corrections</li> <li>• Transfer to adult court</li> </ul>

### Strategies

#### Direct Services

The main direct services strategy was to develop a range of detention alternatives including shelter care, foster homes, home detention, and a day reporting center located in the communities of minority youth. These programs were established to divert youth from detention and from being returned to custody for violating the terms of their release. The initiative decided to use local providers with the hope that they would be more accessible to the youth and their families and more knowledgeable about available social services. For instance, Volunteers of America (VOA), one of the local providers, helped implement the county’s home confinement program and tailored supervision based on each juvenile’s level of risk. Youth who did not need detention but could not be trusted to comply with the rules of house arrest wore an electronic monitor. VOA workers called or showed up at the house or school unannounced several times per day to closely supervise youth who represented minimal risk and therefore were not required to wear an electronic monitor.

Another detention alternative was the Reception Center, a nonprofit, community-based organization funded by government crime prevention and private foundations. The Reception Center provided a home-like setting where police could take youth who had committed nondetainable infractions. In the past, youth who broke curfews or were runaways—many of whom were Latino or African American—were sent to secure detention. The center gave professional care and support to children and youth up to 18 years of age until they could transition back to their families, foster homes, or alternative family placements.

Augmenting the defense representation of minority youth was yet another direct service strategy. Public defenders or appointed counsels who are frequently overburdened usually represent minority youth. Youth represented by these overburdened defenders often receive more restrictive outcomes than those who retain counsel. To make the legal system a more level playing field for minority youth, trial assistants were added. These advocates helped the public defenders identify the strengths that could be tapped in each case—within the youth themselves, their families, and the community (including community-based programs). The trial assistants also ensured that the information was disseminated equally among all interested parties—the youth, the defender, and the prosecution. Specifically, they reviewed lists of the young people scheduled for preliminary hearings and obtained discovery about the youth and their charges prior to the hearing, in support of the lawyers. They attended pretrial placement planning meetings, where all stakeholders—the district attorney, the defender, probation personnel, and others—decided the appropriate placement of youth scheduled for preliminary hearings. The trial assistants played an important role in ensuring that the defender had equal access to information that the prosecutor and probation personnel already possessed. This enhanced representation significantly increased the use of alternatives for youth who would have otherwise faced secure detention.

### **Training and Technical Assistance**

The county made concerted efforts to increase cultural competency throughout the juvenile justice system, in accordance with its priority of reducing and preventing racial disparities. First, the county launched a recruiting and hiring initiative to increase the cultural diversity of staff in all components of the juvenile justice system. In addition, all current staff received educational materials on culturally sensitive principles and practices.

Second, Multnomah trained all interested parties in ways to reduce disparities. On a broader level, the county offered training to inform decisionmakers and service providers about the issues related to overrepresentation. Through more targeted training, police officers received information on existing detention alternative initiatives. Now, every police officer carries a card listing the actions that he or she should take for specific levels of infraction. This use of objective criteria promotes fair and equitable decisions about youth.

### **System Change**

As part of the DMC initiative, Multnomah County also developed, implemented, and evaluated a culturally sensitive risk assessment instrument (RAI) to guide admissions decisions. An interagency team of representatives from the judiciary, public defenders, prosecutors, probation and detention system personnel, school officials, and researchers designed the instrument. The team carefully evaluated individual RAI elements in the context of cultural and racial/ethnic differences. For example, instead of relying on criteria such as “good family structure,” which could be biased against minority youth, the instrument relies on “verifiable community ties,” which determines whether there is an adult willing to ensure the youth’s appearance in court. Likewise, instead of

exclusively using “school attendance” as a mitigating factor, the concept was expanded to include “productive activity.”

The county formed a new detention intake team to gauge the internal reliability of the RAI. The team consisted of six to seven intake workers supervised by a detention intake manager and a pretrial placement coordinator. Each day, the placement coordinator and intake manager reviewed the cases of all youth in detention (not just those admitted that day), considering their risk assessment scores, case status, and suitability for community-based alternatives. The placement coordinator completed daily quality control checks to ensure that youth were processed expeditiously and that staff faithfully adhered to the RAI when making decisions.

Another key reform strategy in Multnomah was to implement other sanctions first to reduce the number of parole violators in detention. Twenty to thirty percent of all admissions to detention were probation or parole violators. Prior to reforms, the county detained many youth who violated probation; such decisions often were made inconsistently and without taking into account the risks that the juvenile posed or his or her needs. For example, a review of the data showed that some probation violators did not appear in court because they did not receive the notification. Strengthening communication between the court and families reduced the need to send such youth to detention. To support this reform strategy, the county created a sanctions grid that, along with detention, provided alternatives for probation violators, such as a warning or community service. Further, supervisors and/or an alternative placement committee had to approve decisions to detain probation violators.

### Multnomah County, Oregon: DMC Strategies

DMC Strategies (√ = Implemented)
<p><b>Direct Services</b></p> <ul style="list-style-type: none"> <li>• Prevention</li> <li>• Early intervention</li> <li>• Diversion</li> <li>• Alternatives to secure detention √</li> <li>• Alternatives to secure corrections</li> <li>• Advocacy √</li> </ul>
<p><b>Training and Technical Assistance</b></p> <ul style="list-style-type: none"> <li>• Cultural competency training and program development √</li> <li>• Staff recruitment √</li> </ul>
<p><b>System Change</b></p> <ul style="list-style-type: none"> <li>• Legislative reforms</li> <li>• Administrative, policy, and procedural changes √</li> <li>• Structured decisionmaking tools √</li> </ul>

## **Impact on DMC Trends**

After Multnomah County implemented the systemwide reforms, detention trends improved overall. The county created a more effective juvenile detention system, reduced the overall detention population, and measurably decreased disproportionality. Three factors have been cited as contributing to the county's success: the design and implementation of an RAI, the development of alternatives to detention, and the provision of training to raise awareness about overrepresentation.

While it is difficult to determine which strategic reforms have been most successful, the implementation of the RAI has had an obvious impact. As previously stated, in 1993 the average daily detention population in the county was 96. When the RAI was introduced in 1995, the average number of youth in detention on any given day began decreasing; by 2000, the figure had dropped to 33, which included remanded youth (18 were pre- and post-adjudicated Multnomah delinquent youth and the remainder were youth remanded to the youth court awaiting adjudication). In 1994, an arrested African American or Latino youth had a 10 to 11 percent greater likelihood of being detained at some point in his or her case than an arrested white youth. By 1995, this disparity was reduced to 6 percentage points, and by 2000 the differentials dropped to 3 percentage points for African Americans (12 percent versus 9 percent for white youth) and to 2 percentage points for Latino youth (11 percent).

In addition to significantly reducing disproportionality, Multnomah County's detention reform strategies have helped to decrease the number of detention admissions. By 2000, the number of youth admitted to detention dropped by half for all youth (from 1,107 in 1994 to 478 in 2000) and by half for both African American and Latino youth.

Raising awareness about overrepresentation and addressing the issue of "the right kid, at the right place, at the right time" continue to be the challenges in Multnomah County. Mental health cases in detention, many of which involve minority youth, have increased 10 percent. It has been proposed that the increase is a consequence of shifting the responsibility for overseeing youth with mental health concerns from Child Protective Services to County Health Services. This shift has proven problematic in terms of expediting detention processing in general and reducing DMC in particular. One of the strengths of Multnomah's approach had been the efficient processing of cases involving detained youth. In the past, Child Protective Services received at 8 a.m. a list of all detainees from the previous night. If a youth in its care made the list, a case manager met with the youth and the district attorney by 11:30 a.m. and had a placement plan to give the judge by 1 p.m. With the recent change of hands, the system is not working as efficiently. As a result, some youth are detained longer than necessary. The task is to educate the new stakeholders in County Health Services.

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## Santa Cruz County, California

### Problem

Santa Cruz County was one of the early sites for the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and is now one of four national model sites for that initiative. Located south of San Francisco, the county has a population of 250,000, with 65.5 percent of residents reporting non-Hispanic white, 27 percent Latino, 3 percent Asian, and 1 percent African American. Of the youth population, more than 33 percent are of Latino origin. In 1994, Latino youth accounted for 76 percent of the population in juvenile hall, California's version of detention.

A task force composed of the chief probation officer and representatives from the county’s Latino Strategic Planning Collaborative and the Latino Affairs Commission conducted a system-by-system review of the county’s juvenile justice system. The research indicated that minority youth brought to detention were more likely to have more serious offense histories and more risk factors than white youth. Two of the risk factors noted were living in single-parent homes and low-income households. While officials from the Santa Cruz probation department acknowledged that there was an obvious need to improve social and economic conditions in the communities, they wanted to focus on problems that were under the department’s direct control. The department identified many problems of this kind, including multiple points of subjective rather than objective decisionmaking; clients encountering barriers to service or lack of access; many examples of cultural insensitivity; and unnecessary delays in the court process, which contributed to longer stays in detention.

The Santa Cruz probation department formed a core working group composed of Latino and other community members, justice system representatives (e.g., police officers, prosecutors, judges), and others from youth-serving agencies. Staff from the Youth Law Center in San Francisco provided technical assistance to guide the working group in its review. The working group examined the juvenile justice process to identify the decision points where minority overrepresentation was most pronounced or where the most minority youth were affected. The working group reviewed this information and developed a work plan to address DMC in the juvenile justice system and a checklist to keep the plan on track. The working group then inventoried the local continuum of services and reviewed each element for cultural competency.

Underlying all aspects of the DMC initiative was an emphasis on promoting collaboration between judicial system professionals, the community, and the families of youth on probation. Hiring a coordinator for the initiative helped to unify the needs and requirements of the seemingly disparate groups.

**Santa Cruz County, California: DMC Problem**

<b>DMC Factors (√ = Identified)</b>	<b>Juvenile Justice Decision Points (√ = DMC Identified)</b>
<ul style="list-style-type: none"> <li>• Differential offending</li> <li>• Differential opportunities √</li> <li>• Differential handling √</li> <li>• Legislative, policy, and legal factors</li> <li>• Justice by geography</li> <li>• Indirect effects</li> <li>• Accumulated disadvantage</li> </ul>	<ul style="list-style-type: none"> <li>• Population at risk</li> <li>• Arrest</li> <li>• Referral</li> <li>• Diversion √</li> <li>• Detention √</li> <li>• Petition √</li> <li>• Delinquent findings</li> <li>• Probation</li> <li>• Secure corrections</li> <li>• Transfer to adult court</li> </ul>

## **Strategies**

### **Direct Services**

Santa Cruz implemented a number of reforms that strengthened the juvenile justice system's ability to quickly move youth out of detention and into detention alternatives and/or placements and programs. One of the direct service strategies was providing diversion programs for Latino youth. A survey of the probation department's services indicated that Latino youth generally did not participate in diversion programs; instead, the courts used more traditional processing, including detention. Diversion programs often were unsuccessful for Latino youth who participated, leading to a diversion failure that was due in part to the probation department's inability to provide culturally appropriate interventions. In response, the county established additional programs that were better suited to the needs of Latino youth. The first diversion option was a neighborhood accountability board that enlisted volunteers from the youth's home community and the victims of crime to assist the youth in repairing the harm his or her behavior had caused. The second program was a partnership between probation, police, schools, and a community-based agency, which included family-strengthening services and competency-building opportunities for youth. Developing culturally appropriate interventions was a key to reforms, more than doubling the number of youth diverted to the new, more targeted programs and preventing youth from moving more deeply into the juvenile justice system.

A second direct service strategy was expanding the detention alternatives program and adding a community-based agency as a partner in the probation department's home supervision and electronic monitoring programs. The probation department considers home supervision and electronic monitoring to be useful and effective alternatives to detention. However, the number of Latino youth in the programs was small. These detention alternatives required parental involvement and supervision—the keys to successful home detention. Major barriers to Latino families in using the programs included language differences, transportation problems, and confusion about court processes and the families' responsibilities to the court. To remove these hurdles, the community-based agency explained the court system to the families and supported the parents in responding to the court's expectations.

A third direct service strategy developed by the county was a culturally appropriate family preservation program that focused on family strengths and the development of family directed service plans. The probation department's goal was to foster an atmosphere of trust and cooperation. A user survey and the addition of parent advocates helped to identify service-related barriers and improve relations. The department changed the tone of some of the formal communications and included evening and weekend hours to accommodate working families. To further strengthen communication, the probation department made it a goal to have a Spanish-speaking staff member at every stage in the juvenile justice process.

## **Training and Technical Assistance**

The Santa Cruz Probation Department took steps to decrease bias in all areas of personnel, including staff recruitment, hiring, and training. To accomplish this task, the department developed and implemented a cultural competency staffing plan and appointed a cultural competency coordinator to oversee the plan. The goal of the plan was to establish guidelines to ensure that the department hired bilingual and culturally competent key staff to provide services to a culturally diverse client population. The Spanish-language capability was particularly useful at the intake and case management stages and helped to expedite movement of youth out of detention and back to their families. Specifically, the department's objective was to have at least as many Latino or Spanish-speaking staff as the proportion of such youth in the detention center. The purpose is to ensure that when Latino youth enter the juvenile justice system, their families can talk to an intake worker or other juvenile justice professional who speaks Spanish.

## **System Change**

Santa Cruz undertook a major system change strategy to develop a culturally competent juvenile detention screening instrument. All key stakeholders were involved in developing the instrument. The Santa Cruz instrument was based on a set of quantifiable risk elements free of criteria that could create unintentional racial biases. The elements included: (1) seriousness of current charge; (2) prior adjudications; (3) current legal status; (4) prior court, detention, and placement history; and (5) other jurisdiction-specific factors. The instrument also provided an override option, but any override was carefully monitored for racial disparities in its use. The structured decisionmaking procedure divided youth into three categories that enabled intake personnel to make appropriate detention decisions: eligible for immediate full release, eligible for placement in nonsecure alternatives, and eligible for placement in secure detention. Care was taken to eliminate factors on the Detention Risk Assessment Instrument that described personal characteristics of the youth and to rely, instead, on factors that could be objectively proven. The probation department generated monthly outcome reports, by ethnicity, to measure whether the instrument was accurately predicting success in the detention alternatives programs as measured by court appearances and lack of rearrest.

Further, Santa Cruz created a structured approach for responding to probation violations that took into account degree of risk. A range of sanctions and systems for matching violations with appropriate responses and tracking those responses by ethnicity helped to ensure fair and equitable treatment for probation violators.

The most pronounced system changes were those made to the detention system itself. When the county began weekend intake procedures, many more minimum- and medium-risk youth were released in a more timely fashion. This particular reform had the effect of immediately reducing the number of youth detained. Santa Cruz also made available more detention alternatives in remote parts of the county where police and probation previously had limited options other than detention.

## Santa Cruz County, California: DMC Strategies

DMC Strategies (√ = Implemented)
<p><b>Direct Services</b></p> <ul style="list-style-type: none"> <li>• Prevention</li> <li>• Early intervention</li> <li>• Diversion √</li> <li>• Alternatives to secure detention √</li> <li>• Alternatives to secure corrections √</li> <li>• Advocacy</li> </ul>
<p><b>Training and Technical Assistance</b></p> <ul style="list-style-type: none"> <li>• Cultural competency training and program development √</li> <li>• Staff recruitment √</li> </ul>
<p><b>System Change</b></p> <ul style="list-style-type: none"> <li>• Legislative reforms</li> <li>• Administrative, policy, and procedural changes √</li> <li>• Structured decisionmaking tools √</li> </ul>

### Impact on DMC Trends

Countywide strategies to reduce racial disparities and improve detention and disposition practices within the juvenile justice system appear to be producing the desired beneficial effects. Since the county implemented the DMC initiative, the number of Latino youth in detention has decreased yearly. In 1997 and 1998 (before the DMC initiative), Latino youth made up only 33 percent of the general youth population but accounted for 64 percent of the daily juvenile detention population. This figure dropped to 53 percent in 1999 (after the launch of the DMC initiative), 50 percent in 2000, and 49.7 percent in 2001. Before the DMC initiative, the Santa Cruz disproportionate rate index value for Latino youth in detention was 1.9. The index value dropped to 1.4 by 2001 and has remained at that level through 2005. Expressed in actual numbers, in 1998, 33 Latino youth were in detention on any given day; by the end of 2005, the average daily population of Latino youth in detention was 9.

New efforts are focusing on substance-use-related offenses. In the county, 45 percent of youth going to juvenile court are in court on a substance-use-related offense (Community Action Board of Santa Cruz County, 2005). Further, 67 percent of youth going to court have a documented drug and alcohol use, abuse, or dependency problem. Reforms that the county juvenile probation department has spearheaded as part of the Reclaiming Futures Initiative (supported by the Robert Wood Johnson Foundation) have involved evaluating and improving the systems that deliver drug and alcohol treatment to county youth. Recent innovations include the addition of an evening treatment center for substance-abusing probation violators, located in a segment of the county that refers the

majority of Latino youth to detention. At the evening center, youth can receive evidence-based treatment approaches in lieu of detention. This innovation has further reduced racial disparities in detention.

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Information about the Santa Cruz County DMC Initiative can also be found online at the following Web sites:

Santa Cruz County Probation: <http://sccounty01.co.santa-cruz.ca.us/prb/index.asp>

Annie E. Casey Foundation: <http://www.aecf.org/initiatives/jdai/>

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## Endnotes

1. The Blueprints for Violence Prevention (Blueprints) project, an initiative to identify effective violence prevention programs, is operated by the Center for the Study and Prevention of Violence (CSPV) at the University of Colorado at Boulder. The project has identified 11 prevention and intervention programs that meet a strict scientific standard of program effectiveness, and another 18 programs as promising programs. CSPV bases program effectiveness on an initial review by, and a final review and recommendation from, a distinguished advisory board, comprising seven experts in the field of violence prevention.

2. The *OJJDP Model Programs Guide and Database (MPG)* gives comprehensive descriptions of approximately 200 evidence-based programs encompassing the entire youth services continuum, from prevention to aftercare. The MPG ranks programs as follows: **Exemplary.** When implemented with a high degree of fidelity, these programs demonstrate robust empirical findings using a reputable conceptual framework and an evaluation design of the highest quality (experimental or quasi-experimental). **Effective.** When implemented with sufficient fidelity, these programs demonstrate adequate empirical findings using a sound conceptual framework and an evaluation design of the highest quality (experimental or quasi-experimental). **Promising.** When implemented with minimal fidelity, these programs demonstrate promising (but perhaps inconsistent) empirical findings using a reasonable conceptual framework and a limited evaluation design (single group pre/post-test) that requires causal confirmation using more appropriate experimental techniques. The *MPG* contains detailed reviews of most of the jurisdictional DMC initiatives summarized at the end of the chapter. It is located at [www.dsgonline.com/mpg2.5/mpg\\_index.htm](http://www.dsgonline.com/mpg2.5/mpg_index.htm).

3. Risk and protective factors are neither causes nor cures. Rather, they are statistical predictors with a strong theoretical link to delinquency.

4. The online version of the DMC database will be searchable by DMC factor.

5. OJJDP's *Model Programs Guide and Database* contains literature reviews of more than 17 types of prevention programs. Access the *MPG* at [www.dsgonline.com/mpg2.5/mpg\\_index.htm](http://www.dsgonline.com/mpg2.5/mpg_index.htm).

6. See Gottfredson and Snyder (2005) for a more detailed description of this procedure.

7. The Burns Institute is currently working intensively with 10 local jurisdictions to reduce the overrepresentation of minority youth in their juvenile justice systems. Although a few of these sites are included in this section, the Institute could not provide standardized evaluation data for any of the sites with which they are working at the time this manual was published.

8. The study population was composed of approximately 62,000 records for individual youth ages 10 to 17 who entered the juvenile justice system during the 16-month period between April 1991 and August 1992.

9. The minority population in Mesa County consists almost entirely of Hispanics.

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